

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 33 minutes p. m.) the House adjourned until to-morrow, Saturday, December 22, 1928, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Saturday, December 22, 1928, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON APPROPRIATIONS

(10.30 a. m.)

First deficiency appropriation bill.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

707. A letter from the executive officer of the National Capital Park and Planning Commission, transmitting annual report of the commission for the fiscal year ended June 30, 1928; to the Committee on Public Buildings and Grounds.

708. A communication from the President of the United States, transmitting supplemental estimate of appropriation amounting to \$12,500 for the Department of Agriculture, fiscal year 1929, for an additional amount for the maintenance of insular experiment stations to enable the Secretary of Agriculture to repair or restore property damaged or destroyed at the Porto Rico and Virgin Islands stations by the hurricane of September 13, 1928; to the Committee on Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. RAMSEYER: Committee on Rules. H. Res. 278. A resolution amending Rule XIII of the House of Representatives; without amendment (Rept. No. 1970). Referred to the House Calendar.

Mr. WILLIAMSON: Committee on Indian Affairs. S. J. Res. 139. A joint resolution for the relief of the Iowa Tribe of Indians; without amendment (Rept. No. 1971). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BRITTEN: A bill (H. R. 15652) to provide for the elimination from the active list of the Navy of certain officers of the Staff Corps who have not been selected for promotion; to the Committee on Naval Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 15653) to repeal the duty on Christmas trees; to the Committee on Ways and Means.

By Mr. MANLOVE: A bill (H. R. 15654) to increase the membership of the Tariff Commission, to provide for nonpartisan regional representation thereon, and to make more flexible the operations under section 315 of the tariff act of 1922; to the Committee on Ways and Means.

By Mr. MONTAGUE: A bill (H. R. 15655) to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.; to the Committee on Military Affairs.

By Mr. TARVER: A bill (H. R. 15656) to provide for the erection of monuments at Dalton, Resaca, Cassville, and New Hope Church, in the State of Georgia, in commemoration of these historic points and battle fields of the Sherman-Johnston campaign in 1864, and to provide for the erection of markers at other points of historic interest along the Sherman-Johnston line of march; to the Committee on Military Affairs.

By Mr. THATCHER: A bill (H. R. 15657) to provide for the improvement and preservation of the land and the buildings of the Abraham Lincoln National Park or Reservation; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 15658) granting a pension to Mabel Clare Hickman; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15659) granting an increase of pension to William T. McCrindle; to the Committee on Pensions.

By Mr. BOWMAN: A bill (H. R. 15660) granting a pension to Wesley Borror; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15661) granting an increase of pension to Mary E. McLane; to the Committee on Invalid Pensions.

By Mr. CARTER: A bill (H. R. 15662) granting a pension to Herman Lucken; to the Committee on Pensions.

Also, a bill (H. R. 15663) granting an increase of pension to May E. Clark; to the Committee on Invalid Pensions.

By Mr. FENN: A bill (H. R. 15664) granting a pension to Maurice Masur, alias Charles Mason; to the Committee on Pensions.

By Mr. FLETCHER: A bill (H. R. 15665) granting a pension to Mary Sacks; to the Committee on Invalid Pensions.

By Mr. GAMBRILL: A bill (H. R. 15666) for the relief of Judson Stewart; to the Committee on Naval Affairs.

By Mr. JOHNSON of Illinois: A bill (H. R. 15667) granting an increase of pension to Nellie W. McAndrews; to the Committee on Pensions.

By Mr. JOHNSON of Indiana: A bill (H. R. 15668) granting an increase of pension to Florinda Harris; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Oklahoma: A bill (H. R. 15669) for the relief of Gertrude Lustig; to the Committee on Claims.

By Mr. KERR: A bill (H. R. 15670) granting a pension to Leah B. Robbins; to the Committee on Invalid Pensions.

By Mr. McSWAIN: A bill (H. R. 15671) for the relief of D. B. Traxler; to the Committee on War Claims.

By Mr. PERKINS: A bill (H. R. 15672) granting compensation to Thomas Peraglia; to the Committee on Claims.

By Mr. REECE: A bill (H. R. 15673) granting a pension to Jane Wolverton; to the Committee on Invalid Pensions.

By Mr. SHALLENBERGER: A bill (H. R. 15674) granting a pension to Alice J. Bridwell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8084. By Mr. CARTER: Petition of Barret Camp, No. 29, United Spanish War Veterans, of Alameda, Calif., urging the passage of House bill 6523 and Senate bill 1986, increasing the allowances of the retired men of the Army, Navy, and Marine Corps; to the Committee on Military Affairs.

8085. By Mr. JOHNSON of Texas: Petition of Guy M. Gibson, secretary-treasurer of Texas Reclamation and Drainage Association, of Corsicana, Tex., and Eugene Brown, president of the Illinois Valley Protective Association, of Peoria, Ill., indorsing Senate bill 4689; to the Committee on Irrigation and Reclamation.

8086. By Mr. MICHENER: Petition of E. C. Boylan and others, of Washtenaw County, Mich., protesting against the enactment of House bill 78, known as the compulsory Sunday observance bill; to the Committee on the District of Columbia.

8087. By Mr. STRONG of Pennsylvania: Petition of citizens of Jefferson County, Pa., in favor of the Lankford Sunday rest bill for the District of Columbia; to the Committee on the District of Columbia.

SENATE

SATURDAY, December 22, 1928

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Eternal Father, who makest us glad with the yearly remembrance of the birth of Thine only Son, Jesus Christ, at whose first coming Heaven disclosed its dazzling minstrelies to the soft silence of the listening night: Thou hast clothed Him with the robe of our humanity, and from the heart throb of an infant's life the thrill of human destiny has pulsed throughout the world. Thou hast consecrated motherhood as the tender channel of Thy grace and touched with mystic insight the hearts of simple folk.

Grant to us, therefore, so to prepare for this holy Christmas-tide that at the coming of the Christ to the inn of our hearts He may find His servants ready, waiting for no new master but for one long known and loved.

O holy Child of Bethlehem!

Descend to us, we pray;

Cast out our sin, and enter in,

Be born in us to-day.

We hear the Christmas angels

The great glad tidings tell;

Oh, come to us, abide with us,

Our Lord Emmanuel!

Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PRESIDENTIAL APPROVALS

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed the following acts:

On December 12, 1928:

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; and

S. 3325. An act for the relief of Horace G. Knowles.

On December 20, 1928:

S. 3844. An act amending the fraternal beneficial association law for the District of Columbia as to payment of death benefits; and

S. 4127. An act to provide for the appointment of an additional justice of the Supreme Court of the District of Columbia, and for other purposes.

THEODORE F. SHUEY

The VICE PRESIDENT. Members of the Senate will be pleased to be reminded of the fact that 60 years ago to-day our friend, Mr. Shuey, joined the reporting staff of the Senate.

MR. JUSTICE HOLMES AND HIS FATHER, OLIVER WENDELL HOLMES

Mr. HEFLIN. Mr. President, the Vice President has just called attention to the fact that this is the anniversary of the sixtieth year that Mr. Theodore F. Shuey, the active and efficient dean of the official reporters of debates, has served this body. This refutes the doctrine of Osler, who said that a man ought to be chloroformed when he was 50 years of age.

Mr. President, one of the most capable and active men in the public service at the Capitol to-day is Mr. Shuey, who has served this body faithfully and continuously for 60 years. He is deservedly popular with all the Senators and with all who come in contact with him. I congratulate him, and I believe I voice the sentiments of all Senators when I say we wish for him and his a merry Christmas and a happy New Year and many more years of health and happiness in his country's service.

In this connection I want to say that one of the most popular, useful, active, and efficient Members of the Senate has in the vigor and activity of his mind and body refuted the Osler theory. I refer to the senior Senator from Wyoming [Mr. WARREN] who has served here longer than any other member of this body.

A member of the Supreme Court of the United States, who is now the oldest man in years who has ever served as a Justice of the Supreme Court of the United States is Oliver Wendell Holmes. I send to the clerk's desk a poetic tribute to this able and distinguished jurist and to his great father. Mr. Justice Holmes was a Union soldier and the author of this poetic tribute is a southerner, Horace C. Carlisle, and the son of a Confederate soldier. I ask that the clerk may read first the poem entitled "The Jurist's Father," and then the one entitled "The Poet's Son."

Before that is done, Mr. President, I want to repeat from memory a portion of the poet Holmes's beautiful poem to "The Boys":

You hear that boy laughing?—You think he's all fun;
But the angels laugh, too, at the good he has done;
The children laugh loud as they troop to his call,
And the poor man that knows him laughs loudest of all!
Then here's to our boyhood, its gold and its gray!
The stars of its winter, the dews of its May!
And when we have done with our life-lasting toys,
Dear Father, take care of Thy children, the boys.

I ask that the clerk may now read the two poems which I have sent to the desk.

The VICE PRESIDENT. The clerk will read as requested.

The Chief Clerk read as follows:

THE JURIST'S FATHER

O-nly the great have grown greater in death,
L-eaving their dust to return to its dust.
I-n the new state—Independent of breath—
V-irtue and honor are treasures of trust.
E-very great poet, through self-sacrifice,
R-eaches his climax long after he dies.

W-hile Holmes to many has long been endeared,
E-verywhere, all along life's winding way,
N-ever has he been so fondly revered,
D-own through the years, for his works, as to-day.
E-very great poem that Holmes ever penned—
L-ovingly cherished by many a friend—
L-ives, and will live, on down to the end.

H-olmes in the homes makes diviner the homes—
O-ften a volume of Holmes may be found
L-ongside the Bible, that whoever comes
M-ay find the twain there, the happy year round.
E-very great poem from Holmes's peaceful pen
S-erves as a real inspiration to men.

THE POET'S SON

O-liver Wendell Holmes, poet and sage,
L-eaves a rare picture on history's page,
I-n which the excellence in him that shone,
V-ested anew, lives again in his son—
E-very high mark in his character is
R-eached yet again in this namesake of his.

W-orld-renowned jurist and scholar, his fame
E-verywhere honors his father's great name.
N-owhere in history father and son
D-itto each other as these twain have done—
E-ach one pursuing his own mental bend—
L-ovingly cherished by many a friend—
L-ogical, loyal, and true to the end.

H-olmes, when the courts fall for graft's ridicule,
O-ffers relief through the Christ's Golden Rule,
L-ove's simple statute of practical law,
M-ade without error or technical flaw.
E-very great statute from this statute comes,
S-ays the immortal, upright Justice Holmes.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. Mr. President, I ask that the Senator from Kansas [Mr. CURTIS], on account of other duties, be relieved from serving as a conferee on the Interior Department appropriation bill, and that the Senator from New Hampshire [Mr. KEYES] be appointed in his place.

The VICE PRESIDENT. Without objection, it is so ordered.

PRESIDENTS' PLAZA IN THE CITY OF NASHVILLE, TENN.

The VICE PRESIDENT. Pursuant to Senate bill 3171, providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States, the Chair appoints as Senate members on the commission Senators TYSON, FESS, and MCKELLAR.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT laid before the Senate communications from the Secretary of State transmitting, pursuant to law, the final ascertainment of electors for President and Vice President in the States of Georgia, Washington, South Dakota, Michigan, West Virginia, Virginia, Wisconsin, Wyoming, Utah, New Jersey, Montana, Idaho, Kentucky, and Massachusetts at the election held November 6, 1928; which were ordered to lie on the table.

REPORT OF NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The VICE PRESIDENT laid before the Senate a communication from the executive and disbursing officer of the National Capital Park and Planning Commission transmitting, pursuant to law, the annual report of the commission for the fiscal year ending June 30, 1928, which was referred to the Committee on the District of Columbia.

REPORT OF PERRY'S VICTORY MEMORIAL COMMISSION

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying report, referred to the Committee on the Library:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Ninth Annual Report of the Perry's Victory Memorial Commission for the year ended December 1, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 22, 1928.

ON BILLS NOT SIGNED BY THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and ordered to lie on the table:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a memorandum prepared in the office of the Attorney General regarding bills presented to the President less than 10 days before the adjournment of Congress and not signed by him.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 22, 1928.

[NOTE.—Memorandum accompanied similar message to the House of Representatives.]

Mr. WALSH of Montana subsequently said: Mr. President, I am advised that the message from the President of the United States laid down by the Vice President a few moments ago was accompanied by an opinion from the Attorney General.

The VICE PRESIDENT. The Chair will say to the Senator that the opinion referred to went to the House of Representatives.

Mr. WALSH of Montana. That is a very important matter, and I think it should be read and referred to the Committee on the Judiciary. I ask that it may be read.

The VICE PRESIDENT. The message contained a note stating that the document referred to was sent to the House of Representatives accompanying a similar message to that body. So that the memorandum is not in the possession of the Senate at the present time.

COOPERATIVE ECONOMICS

Mr. BROOKHART. Mr. President, on day before yesterday I gave notice that I would speak on yesterday on the subject of cooperation, the 21st of December being the natal day of the Rochdale Cooperative Society. However, our distinguished leader, the Vice President elect, evidently not being aware of my intention, moved an adjournment before I had an opportunity to speak. So I give notice that at the conclusion of morning business I will deliver that delayed speech.

PETITIONS

Mr. FESS presented numerous petitions of various civic and religious organizations and sundry citizens (signed by over 15,000 citizens of the State of Ohio) in the State of Ohio and other States, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. FESS. Accompanying the petitions is a letter from the secretary of the commission on international justice and good will, which I ask to have printed in the RECORD.

The VICE PRESIDENT. Without objection, the letter will be printed.

The letter is as follows:

FEDERAL COUNCIL OF THE
CHURCHES OF CHRIST IN AMERICA,
Washington, D. C., December 17, 1928.

HON. SIMON D. FESS,
Senator from the State of Ohio.

SIR: I have the honor to convey to you memorials in support of the general pact of Paris.

This memorial was issued by the commission on international justice and good will of the Federal Council of the Churches of Christ in America and was first circulated last spring. Slightly changed, it was circulated again during the past autumn. There are, we believe, no duplications. Certain individuals in signing made a few changes, but all heartily support the appeal for prompt ratification of the pact.

The total number of signatures is 180,182, from all the States. I am conveying to the senior Senator the memorials signed by citizens of your State, and inclose also a list of the signatures classified by States.

Respectfully yours,

SIDNEY L. GULICK,

Secretary Commission on International Justice and Good Will.

SIGNATURES TO THE MEMORIALS CLASSIFIED BY STATES

Alabama	2
Arkansas	12
Arizona	210
California	7,632
Colorado	2,205
Connecticut	8,268
Delaware	208
District of Columbia	495
Florida	663
Georgia	284
Idaho	645
Illinois	11,427
Indiana	6,229
Iowa	5,864
Kansas	8,313
Kentucky	377
Louisiana	347
Maine	1,998
Maryland	4,710
Massachusetts	8,809
Michigan	8,253
Minnesota	4,295
Missouri	2,141

Montana	527
Nebraska	2,159
Nevada	1
New Hampshire	987
New Jersey	5,472
New York	27,793
North Carolina	369
North Dakota	936
Ohio	15,399
Oklahoma	440
Oregon	2,585
Pennsylvania	19,712
Rhode Island	1,469
South Carolina	85
South Dakota	1,771
Tennessee	483
Texas	417
Utah	96
Vermont	1,004
Virginia	699
Washington	3,772
West Virginia	727
Wisconsin	5,085
Wyoming	677
Miscellaneous	4,150
Total	180,182

Mr. BURTON presented petitions of members of the Center Friends Church, of West Milton, and sundry citizens of Zanesville, South Zanesville, and White Cottage, all in the State of Ohio, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. JONES presented petitions of sundry citizens of Spokane, Olympia, Chehalis, Kelso, and White Salmon, all in the State of Washington, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. OVERMAN presented petitions of members of the American History Class of the Hendersonville High School and sundry citizens of Greensboro, in the State of North Carolina, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. LA FOLLETTE presented numerous petitions of various civic and religious organizations and sundry citizens, all in the State of Wisconsin, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. WALSH of Montana presented numerous petitions of sundry citizens of Glasgow, Glendive, Huntley, Worden, Polson, Shelby, Fromberg, Joliet, Edgar, Fairview, Sidney, and Sioux Pass, all in the State of Montana, praying for the prompt ratification of the so-called Kellogg multilateral treaty for the renunciation of war, which were ordered to lie on the table.

Mr. McMASTER. Mr. President, I present petitions to the Senate which have been transmitted to me by the heads of various organizations in South Dakota, praying for the prompt ratification of the Kellogg peace pact, which I ask may lie on the table and the names and organizations be printed in the RECORD.

Petitions presented by Mr. McMASTER from the following citizens and organizations in the State of South Dakota, praying for the ratification of the so-called Kellogg multilateral treaty for the renunciation of war, were ordered to lie on the table, as follows: Mrs. J. E. Marshall, president, Mrs. Rhoda Marshall, vice president, Laura Will, treasurer, Mrs. Mattie Kieser, recording secretary, and Mrs. Ada Clark, corresponding secretary, Wessington Springs (S. Dak.) Pioneer Woman's Christian Temperance Union; Mrs. Nellie Frank, chairman peace and arbitration treaty department, Woman's Christian Temperance Union, Huron, S. Dak.; Mrs. Lydia F. Lowthian, president, and Mrs. Alma Archer, secretary, Milbank (S. Dak.) Woman's Christian Temperance Union; Mrs. Alma H. Thurston, president, and Mrs. Ed. Newcomb, secretary, Woonsocket (S. Dak.) Women's Foreign Missionary Society; Mrs. C. R. Miller, president, and Mrs. B. Fillingsner, secretary, Beresford (S. Dak.) Women's Foreign Missionary Society; Mrs. E. E. Hatfield, president, and Mrs. J. B. Jacobson, secretary, Scotland (S. Dak.) Women's Foreign Missionary Society; Mrs. Ella Ketchum, president, and Mrs. Nellie Warner, secretary, Vermillion (S. Dak.) Women's Foreign Missionary Society; Mrs. F. L. Mease, president, and Mrs. C. E. Sherwood, secretary, Madison (S. Dak.) Women's Foreign Missionary Society; W. S. Morehead, R. A. Marshall, H. W. Clark, Mrs. H. W. Clark, William Hammond, H. S. Welch, John Lubber, J. E. Hougland, J. H. Winegar, Oscar Schubert, R. M. Dill, Nick Anton, sr., C. McDonald, J. E. Marshall, N. C. Smart, J. W. Smart, and Grace Morehead, Wessington Springs, S. Dak.; J. H. McGreger, Alpena, S. Dak.; Mabelle A. Bridgman, chairman of legislative committee, Alfalfa Grange, No. 157, Viewfield, S. Dak.; Mary Green, department president Women's Relief Corps, Flandreau, S. Dak.; R. R. Bowker, 62 West Forty-fifth Street,

New York, N. Y.; Rev. H. W. Jamison, Newell, S. Dak.; Bert L. Hall, Pierre, S. Dak.; Ira S. Burnett and Mrs. Elizabeth C. Burnett, Armour, S. Dak.; Prof. Daniel J. Gage, Huron, S. Dak.; W. R. Ronald, Mitchell, S. Dak.; Katharine Potter, secretary University of South Dakota, Vermilion, S. Dak.; Don C. Westerfield, chairman Dayton World Court Committee, Dayton, Ohio; Mrs. J. L. Norris, president, and Mrs. O. H. Miller, secretary, Groton (S. Dak.) Women's Foreign Missionary Society; Della M. Haft, president Rapid City Branch, A. A. U. W., Rapid City, S. Dak.; Rev. Clarence Carr, Clark, S. Dak.; Mrs. Skaro, secretary Sioux Falls (S. Dak.) Woman's Christian Temperance Union; T. F. Ruehrig, C. H. Farrington, E. E. Austin, D. M. Voorhees, Ned Zink, W. M. McGregor, Charles Short, H. F. Janson, J. E. Ziebach, W. C. Bidleman, Alice McDonald, J. E. Rhodes, Orville Barber, Louise Tierney, and W. E. Hanson, Wessington Springs, S. Dak.; Mabel E. Clark, Edna M. Clark, Alice Blakely, Bernice Potter, Bertha Apland, Mrs. Will Van Woert, Clara Graham, Mrs. Annie Halgerson, Inez DeKramer, Mrs. G. F. Watson, Mrs. Walter Watson, Anna Haas, Bertha Blohm, S. S. Clark, W. C. Clark, Dorothy Fluegel, and Loulla Williams, Canistota (S. Dak.) Woman's Christian Temperance Union; Mrs. F. L. Brewer, De Smet, S. Dak.; Flora Wilson, corresponding secretary Woman's Christian Temperance Union, Mitchell, S. Dak.; Abbott Little, Wagner, S. Dak.; Mrs. Kathryn M. Cox, corresponding secretary the Round Table Club, Mitchell, S. Dak.; Rev. Ralph C. Shearer, Edith Bowman, Mrs. H. A. Pike, Mrs. C. Sturtevant, Miss J. Radak, Vernon McKann, J. J. Nedland, Robert W. Wick, Mrs. Henry Halla, W. W. Byers, Mrs. W. W. Byers, Eleanor Collins, Franklin Bussey, Mrs. Fred T. Koth, Mrs. C. E. Bixby, Mrs. R. C. Shearer, and W. F. Zelman, Tyndall, S. Dak.; Clara L. Towne, Huron, S. Dak.; Miss Anna Heckenlaible, Menno, S. Dak.; Miss Helen Petersen, president, and Miss Mae Jackson, secretary, the Wesleyan Service Guild, Huron, S. Dak.; G. W. Collins, H. G. Tilton, F. V. Reaney, H. F. Reaney, L. A. McDonald, W. H. Over, Frank Miller, N. N. Sipe, A. E. Atwood, T. M. Risk, V. M. Warner, M. W. Davidson, J. M. Spensley, E. H. Fulmider, William J. Thompson, L. P. Brewster, E. E. Collins, D. B. Heller, H. E. Sheltz, Robert Spensley, William Nelson, H. M. Anderson, William R. Russell, M. B. West, William R. Cleland, and E. J. Spensley, Vermillion, S. Dak.; members of the Huron Beta Delphian Chapter, of Huron, S. Dak.; members of Alpha Delphian Society, South Dakota; the Business and Professional Women's Club of Rapid City, S. Dak.; and Wesleyan Service Guild, of Huron, S. Dak.

REPORTS OF COMMITTEES

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 12449) to define the terms "child" and "children" as used in the acts of May 18, 1920, and June 10, 1922, reported it with amendments and submitted a report (No. 1359) thereon.

Mr. KEYES, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (S. J. Res. 171) granting the consent of Congress to the city of New York to enter upon certain United States property for the purpose of constructing a rapid-transit railway, reported it with an amendment and submitted a report (No. 1360) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 13826) authorizing the Interstate Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Missouri River at or near Union, Nebr., reported it without amendment and submitted a report (No. 1361) thereon.

He also, from the same committee, to which was referred the bill (S. 4778) authorizing the Moundville Bridge Co. to construct a bridge across the Ohio River from a point at or near the city of Moundville, Marshall County, W. Va., to a point opposite in Belmont County, Ohio, reported it with an amendment and submitted a report (No. 1362) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally with amendments and submitted reports thereon:

S. 4616. An act granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co. for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio (Rept. No. 1363);

S. 4721. An act to extend the time for commencing and completing the construction of a bridge across the Potomac River and to authorize the use of certain Government land (Rept. No. 1364);

S. 4744. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois (Rept. No. 1365);

S. 4745. An act granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois (Rept. No. 1366);

S. 4787. An act to revive and reenact the act entitled "An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa," approved May 26, 1924 (Rept. No. 1367); and

S. 4793. An act granting the consent of Congress to the Highway Department of the State of Tennessee to construct a bridge across the Cumberland River in the vicinity of Harts Ferry, in Wilson and Trousdale Counties, Tenn. (Rept. No. 1368).

Mr. BROOKHART, from the Committee on Military Affairs, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 3041. An act for the relief of Alfred St. Dennis (Rept. No. 1369); and

H. R. 8798. An act for the relief of William Lentz (Rept. No. 1370).

Mr. ROBINSON of Indiana, from the Committee on Military Affairs, to which was referred the bill (H. R. 13033) authorizing the Secretary of War to convey certain portions of the military reservation at Monterey, Calif., to the city of Monterey, Calif., for the extension of Alvarado Street, reported it without amendment and submitted a report (No. 1371) thereon.

He also, from the Committee on Pensions, to which was referred the bill (H. R. 14800) granting pensions and increase of pensions to certain soldiers, sailors, and marines of the Civil War and certain widows and dependent children of soldiers, sailors, and marines of said war, reported it with amendments and submitted a report (No. 1372) thereon.

Mr. SHEPPARD, from the Committee on Military Affairs, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

H. R. 10472. An act to authorize the appointment of Master Sergt. August J. Mack as a warrant officer, United States Army (Rept. No. 1374); and

H. R. 12538. An act for the benefit of Morris Fox Cherry (Rept. No. 1375).

BENICIA ARSENAL MILITARY RESERVATION

Mr. SHEPPARD. I am directed by the Committee on Military Affairs, to which was referred the bill (S. 4712) to authorize the Secretary of War to grant a right of way to the Southern Pacific Railroad Co. across the Benicia Arsenal Military Reservation, Calif., to report it favorably without amendment, and I submit a report (No. 1357) thereon. Inasmuch as it is very important that the bill should pass immediately, I ask unanimous consent for its immediate consideration.

Mr. CURTIS. Mr. President, may I ask the Senator from Texas if it is a unanimous report from the committee?

Mr. SHEPPARD. It is a unanimous report and the bill contains the usual provisions for such a right of way.

The VICE PRESIDENT. Is there objection to the request of the Senator from Texas?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been introduced by Mr. SHORTRIDGE December 5, 1928, and it was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to grant to the Southern Pacific Railroad Co., a corporation incorporated and consolidated under the laws of the States of California, Arizona, and New Mexico, its successors and assigns, under such terms and conditions as may be approved by the Secretary of War, a right of way over and across the Benicia Arsenal Military Reservation, Calif., for railroad purposes, with full power to locate, construct, and operate railroad tracks, structures, telegraph, telephone, or signal wires and other railroad appurtenances, appendages, and adjuncts, the location and width of such right of way to be determined by the Secretary of War: *Provided,* That the land shall not be used for other than railroad purposes, and when the property shall cease to be so used it shall revert to the United States.

Mr. KING. Mr. President, may I ask the Senator from Texas if this is the measure in which a servitude or easement is granted over certain lands of the United States and in consideration of that easement the railroad company conveys to the United States a large area of territory which will be necessary for a munitions depot and also expends a considerable sum in removing one or two that now exist?

Mr. SHEPPARD. That is very true. The United States Government profits to a large extent by the transaction. The acquisition of the additional land deeded to the Government in return for the right of way was recommended by a survey

which Congress authorized in order to safeguard the locations of our ammunition supplies.

Mr. KING. I am familiar with the matter and am in favor of the passage of the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

APPROPRIATIONS FOR THE STATE AND OTHER DEPARTMENTS

Mr. JONES. From the Committee on Appropriations I report back favorably with amendments the bill (H. R. 15569) making appropriations for the Departments of State and Justice, and for the judiciary, and for the Departments of Commerce and Labor, for the fiscal year ending June 30, 1930, and for other purposes, and I submit a report (No. 1373) thereon.

I had hoped to call the bill up to-day, there being only three or four minor amendments to it, but some of the Senators have asked to have the bill go to the calendar. So I ask that that disposition be made of it.

The VICE PRESIDENT. The bill will be placed on the calendar.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent the second time, and referred as follows:

By Mr. GOFF:

A bill (S. 5086) granting an increase of pension to Launa Dickens (with accompanying papers); to the Committee on Pensions.

A bill (S. 5087) to authorize further consideration of recommendations for decorations for service rendered in the World War; to the Committee on Military Affairs.

By Mr. LA FOLLETTE:

A bill (S. 5088) granting an increase of pension to Andrew Kinney; to the Committee on Pensions.

A bill (S. 5089) to amend certain laws relating to American seamen, and for other purposes; to the Committee on Commerce.

By Mr. WATERMAN:

A bill (S. 5090) for the relief of Lewis H. Easterly; to the Committee on Pensions.

A bill (S. 5091) for the relief of Edward C. Dunlap; to the Committee on Claims.

By Mr. THOMAS of Oklahoma:

A bill (S. 5092) to correct the military record of James Luther Hammon; to the Committee on Military Affairs.

By Mr. BLEASE:

A bill (S. 5093) to authorize the issuance of certificates of admission to aliens, and for other purposes; to the Committee on Immigration.

A bill (S. 5094) making it a felony with penalty for certain aliens to enter the United States of America under certain conditions in violation of law; to the Committee on Immigration.

By Mr. JONES:

A bill (S. 5095) to amend section 1, rule 3, subdivision (e), of an act to regulate navigation on the Great Lakes, and their connecting and tributary waters, enacted February 8, 1895, as amended May 17, 1928; to the Committee on Commerce.

A bill (S. 5096) for the relief of Presly Holliday, captain, Quartermaster Reserve Corps, on the retired list, and for other purposes; to the Committee on Military Affairs.

A bill (S. 5097) for the relief of William Smith (with accompanying papers); to the Committee on Claims.

By Mr. JOHNSON:

A bill (S. 5098) granting a pension to John P. Classi (with accompanying papers); and

A bill (S. 5099) granting a pension to Ward D. Flinn; to the Committee on Pensions.

By Mr. GREENE:

A bill (S. 5100) granting an increase of pension to Celestia Edwards; to the Committee on Pensions.

By Mr. HAYDEN:

A bill (S. 5101) granting a pension to Burel E. Pollard; to the Committee on Pensions.

By Mr. FESS:

A bill (S. 5102) granting a pension to Irma Crow; and

A bill (S. 5103) granting an increase of pension to Aurelia M. Power; to the Committee on Pensions.

By Mr. SCHALL:

A joint resolution (S. J. Res. 183) to provide for the printing of the CONGRESSIONAL RECORD on paper made from waste products of field crops on American farms; to the Committee on Printing.

FEDERAL COMMUNICATIONS COMMISSION

Mr. WATSON. I desire to introduce a bill to create a Federal communications commission. I do not introduce this bill

for the purpose of creating an entirely new commission but for the purpose of enlarging the powers of the present Radio Commission or of supplanting it with another. I do not expect any action at the present session of Congress, of course, and am introducing the bill only as a basis of discussion for those who may be interested in the subject.

The bill (S. 5104) to create a Federal communications commission, and for other purposes, was read twice by its title, and referred to the Committee on Interstate Commerce.

ENLISTMENTS OF SUBJECTS OF TURKEY AND BULGARIA DURING WORLD WAR

Mr. BLAINE. Mr. President, during the World War a number of subjects of Turkey, principally Armenians, and subjects of Bulgaria, joined the military and naval forces of the United States. According to an order promulgated by the War Department in October, 1918, in circular No. 43, the subjects of two nations were to be discharged as alien enemies; that is, to be given undesirable discharges. It will be understood that there was no declaration of war on the part of the United States against either Turkey or Bulgaria. I will not go into the situation with relation to those nations as concerns the Central Powers, but I desire to state that these men served in good faith. They fall into two classes; those who were discharged subsequent to November 11, 1918, whether under the order promulgated by the War Department or upon their own application; the other class are those who were discharged prior to November 11, 1918, not, however, upon their own application. Under those circumstances these men are burdened with certain handicaps.

I therefore desire to introduce a bill the effect of which will be not to direct either the War Department or the Navy Department to issue honorable discharges, but to relieve these men from the present status of an undesirable discharge and place them in whatever their status was prior to their enlistment. I ask that the bill may be referred to the Committee on Military Affairs.

The bill (S. 5105) for the relief of certain subjects of Turkey and of Bulgaria who served in the military or naval forces of the United States during the World War, was read twice by its title and referred to the Committee on Military Affairs.

AMENDMENT TO APPROPRIATION BILL FOR STATE AND OTHER DEPARTMENTS

Mr. FLETCHER submitted an amendment proposing to increase the appropriation to enable the Bureau of Foreign and Domestic Commerce to investigate and report on domestic as well as foreign problems relating to production, distribution, and marketing, in so far as they relate to the important export industries of the United States, etc., from \$923,500 to \$943,500, intended to be proposed by him to House bill 15569, making appropriations for the State and other departments, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances; and

H. R. 7324. An act for the relief of Orla W. Robinson.

FIRST CAROLINAS JOINT STOCK LAND BANK

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Greenville News, of South Carolina, announcing the resignation of the president of the Joint Stock Land Bank of Columbia, S. C., Mr. A. F. Lever. Mr. Arnold resigned a few days ago. Mr. Lever is now resigning.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LEVER RESIGNS AS BANK HEAD—A. P. SPENCER NAMED NEW PRESIDENT OF CAROLINAS JOINT STOCK LAND BANK

COLUMBIA, December 20.—S. R. Spencer, who since September 1 has been active vice president of the First Carolinas Joint Stock Land Bank, has been elected president of the institution, succeeding A. F. Lever. Mr. Lever, who has just returned from a business trip to New York, stated to-day that at a recent meeting of the board of directors of the First Carolinas Bank he tendered his resignation as president that he might enter other fields of activity. The nature of his future plans, he said, would be announced later.

Mr. Spencer, the new president of the bank, came to Columbia from Rock Hill in May, 1925. In Rock Hill he was vice president of the national bank and served in that capacity until his recent election to the vice presidency of the First Carolinas Joint Stock Land Bank.

OUR EXPANDING UTILITIES

Mr. BLEASE. Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New Leader, of New York City, of December 22, 1928, entitled "Our Expanding Utilities."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Herbert Hoover's visit to Central and South America is regarded by the public-utilities crowd as an aid to their interests in that part of the world. Hoover has been an interpreter of the philosophy of this crowd and some of his speeches have been distributed by utility corporations. They regard him as a scout who is looking over the field to see what he can do for their "rugged individualism" when he takes the oath of office next March.

The chief American corporation with Latin-American properties is the American & Foreign Power Co. (Inc.), a subsidiary of the Electric Bond & Share Co. The countries included in the public utilities empire are Panama, Cuba, Brazil, Argentina, Guatemala, Ecuador, Colombia, and Venezuela, while certain properties in Chile and Mexico will come into their hands this year.

Here is a great and expanding interest extending over vast areas of territory and affecting millions of human beings. Considered in relation to other American investments in this field one gets some idea of the economic conquest of these peoples. One news story declares that in many of these nations "legislation will be required" to assist the programs of the utilities expansionists.

That item rounds out the story. Economic conquest brings with it the desire for legislation and this in turn leads to increasing interest in politics and control of the governments of these nations. Political supremacy follows economic power, while the Army and Navy follow both when the interests of the American expansionists require it. Thus we reach imperialism for the masters and mobilize workers for a march into these nations when "duty calls."

ADDRESS BY DONALD W. STEWART—UNIVERSAL CONSCRIPTION

Mr. CAPPER. Mr. President, Mr. Donald W. Stewart, of Independence, Kans., a young service man who served his country in our Army during the World War and whose service has been no less patriotic during the years since, has recently delivered a very fine address on universal conscription of resources in time of war which I believe should be read and studied by every loyal citizen of this country and which I ask unanimous consent to have printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE UNIVERSAL OBLIGATION—A PLAN FOR THE CONSCRIPTION OF CAPITAL AND LABOR IN THE EVENT OF WAR

[This address advocating universal conscription was first delivered by me to the department convention of the American Legion Auxiliary, Department of Kansas, Dodge City, Kans., June, 1924. Since then I have used the same address at least 50 times before legion gatherings, civic clubs, chambers of commerce, and so forth. The largest groups to which the address has been given are the eighth district conference of International Rotary at Salina, Kans., in 1926 and the Kansas State Bar Association annual convention in Wichita in 1927.]

The American Legion, born of war but dedicated and devoted to the cause of international peace, has adopted as one of its major objects the enactment of the Capper bill for universal conscription. It is my purpose to present to you briefly, and I hope logically, the existence of a recognized evil, profit in war, and the merits of our proposed remedy, universal conscription.

I advocate and present for your thoughtful consideration the justice and practicability of conscripting in time of war men, material, and money. I advocate the equity and the necessity of devoting every national resource, without profit, to the national defense. My discussion will therefore necessarily involve a discussion of your individual obligations as citizens of this country.

We have in this complex life we live a great variety of obligations. I appreciate that to be reminded of them is not always pleasant. Our obligations arise out of every conceivable relationship. They may be moral, social, civic, financial, or of many other types. It is some consolation to know, however, that all of them may be generally grouped under one of three main heads. There are, I believe, just three cardinal obligations.

In thus grouping them we find, first, our obligation to the Creator, in whose faith this country was founded and by whose grace and bounty it has attained its present position of eminence among the world powers. This obligation I need not urge upon you. It was taught you in your infancy by more worthy teachers than I. It is

an obligation taught by the mothers of men, whose hopes follow us through the many vicissitudes of life and finally precede us in intercession at the feet of the Maker.

The second of these three obligations is that owed by each of us to our fellow men as individuals. That obligation was most aptly expressed by the Carpenter of Nazareth, when he said in the Sermon on the Mount, "As ye would that others should do unto you, do ye likewise unto them." This obligation needs neither emphasis nor explanation to any group with ideals of service.

The third obligation is that owed by each individual to his fellow men collectively, to society, and to the Government that I ask you to consider. In these three obligations, covering in a general way all of the duties of citizenship, may again be grouped together and constitute "the universal obligation," an obligation of service. In this light we have, then, the obligation of service to God, service to fellow man, and service to Government.

It is the last of these, the obligation of service to the Government, that I ask you to consider. In this Republic of ours we are, at least theoretically, endowed with equal rights, liberties, and opportunities, and the enjoyment of them imposes or should impose an equal obligation of service. This obligation is a continuous one, owed in the stirring stress of war and in the less romantic service of peace.

Much could profitably be said of the peace-time obligations of citizenship. It is my purpose, however, to discuss only the obligations owed by each citizen in time of war. The obligation of defending our country, the source of our rights and opportunities, is one that should rest with equal weight upon every citizen. In the past it has not done so. To verify this statement, which is true of our entire national history, we need go back no further than the recent World War. I do so, not to offer destructive criticism of our past but to offer a constructive suggestion for the future.

In the spring of 1917 you will recall that our Government was confronted with the necessity of engaging in a great conflict. That conflict was not of our own choosing, nor of our own making, but our participation in it was made seemingly unavoidable by the grim course of events. Having entered upon it, our immediate necessity was to terminate it successfully and as rapidly as possible. In this situation we can well imagine our Government taking stock of its national resources and determining its war-time needs. Wars demand of a nation unusual efforts and unaccustomed expenditures.

It is and was evident, of course, that in order to successfully prosecute any war the Government needs fighting men. Man power alone, however, can not achieve victory. There was a time in the development of the art of war when nations conquered by the sheer force of man power alone. It was by this strength that the barbarian hordes overthrew the Roman Empire. In this day of modern warfare, however, man power alone is insufficient. Men must be equipped for fighting.

A vast quantity of material is required to equip a fighting army, and this material includes guns and ammunition, airplanes and automobiles, ships, food, clothing, and every conceivable implement or aid to warfare.

This material, so urgently needed, does not come ready made. No nation has ever had at the outset of a war a sufficient quantity to supply its needs. Labor is therefore necessary to put raw material into serviceable form, and money is needed in great quantities to pay for all the manifold activities of war.

These four needs, then, of fighting men, material, labor, and money confronted our Government in those trying days of preparation. All of these elements were present in considerable quantities in the possession of our citizens, and the obligation of furnishing them rested, or should have rested, with equal force on all of us.

Let us consider for a moment how these needs were met and how that obligation was enforced. The Government filled its need for fighting men by proclaiming the principle, which we recognize as just, that in time of war the life, liberty, and service of every young man is at the disposal of the Government. The Government took its youths, 4,800,000 of them, and impressed them into service in the defense of our country. Such men were paid whatever the Government chose to allow them and were used when, where, and as the Government desired to use them. The common soldiers serving in this country in preparation for the ordeal of foreign service were paid \$1 a day. In view of the extra hazard involved in crossing the submarine-infested waters and in meeting the enemy at more or less close quarters, pay for overseas service was increased to the extent of 10 cents a day, that apparently being the congressional estimate of the increased hazard. With this principle of compulsory and equal service those who served had no fault to find. This method of meeting the need of fighting men was proper and just.

In meeting the other needs of material, labor, and money the Government adopted a different and, in our judgment, a less equitable method. Materials were bought on the open market at highly inflated prices. One branch of the Government bid against another. Materials were purchased from contractors on what is known as the cost-plus method, wherein the Government agreed to pay to the contractor all that the material cost to manufacture plus 10 per cent for profit. It

required little intelligence on the contractor's part to realize that his profit increased as efficiency in manufacturing decreased. This resulted in profligate waste.

Having need of labor to build cantonments or ships, for instance, the Government hired laborers who in most instances worked in civilian clothes side by side with the soldier, the former drawing \$15 or more per day to the soldier's \$1 and keep.

The need for money was met in a similar way. The Government begged money from its citizens. Upon this money the Government had the same right to call as it exercised in calling its manhood. Both owed their existence—past, present, and future—to governmental protection. You men pleaded for money and sent your wives to cry for it. In return for the loan of this money the Government gave its security bearing a fair rate of interest and with tax-exempt features so attractive that to-day we find much of the great wealth of the country invested in this manner.

In all of this, we contend, there was inequality and injustice. The principle of the universal obligation of service was submerged in the selfish principle of profit. To the widow who possessed but one son, on whom she was dependent for support, the Government said:

"Give him to us. We will use him for our purposes and in the national defense during this emergency. So much of him as may be left after he has served our purpose will be returned to you. If, perchance, the fortunes of war should demand the expenditure of his life, you may be compensated with the thought of the sacrifice that you have been privileged to make in your country's cause. You may be gratified at the opportunity of placing your all upon the altar of patriotism."

To the wealthy bachelor, on the other hand, who had no son and was not himself of an age to serve, the Government turned. He had amassed worldly wealth, which was assuredly no more sacred to him nor so highly treasured by him as the widow's son. Did the Government say to him:

"You have no son to give, but you have something necessary to the defense of your country. Give us your wealth that we may devote it to our cause. So much of it as is left after it has served our purposes we will return to you. Should the fortunes of war demand the loss of your all, you, too, may be compensated and may take pride in your contribution to the safety of the Nation."

Your experience answers that question.

The people of this country can not soon forget the profiteering in the recent war. It has been truthfully said, I believe, that for every white cross that stands over the grave of some mother's son in France there stands in America a mansion built by some of our war millionaires out of the profits wrung from the Nation in its time of adversity. This should not be.

We should not unduly condemn all profit made in the past war. Much of it resulted from the spirit of the time and grew up by force of example. In future wars, however, we should devote our every effort to the entire elimination of this problem of profit. There is not now and never has been and never can be any logical justification for profit in war.

War is notoriously unsound and unprofitable. No new wealth is created and much of the old is expended. Millions of men are turned from productive activity to organized destruction. The Nation as a whole loses. It therefore follows that profit made by any individual in time of war is made at the expense of the less fortunate and less selfish, and such profits are added to their tremendous losses. No individual should be permitted to profit from a common calamity.

At every national convention held by the American Legion, for whom unofficially I presume to speak, this subject has been discussed. At the convention held in New Orleans in 1922 a report was rendered to the Legion by a special committee appointed for the purpose of studying this evil. In that report this language was used:

"Equal rights for all and special privileges for none" was said long ago as a protest of our people against the same influence in our public life that, during the World War, profited on every side and developed a war strength division of millionaires. We are not here to criticize our country for its failure to protect itself against the attack of selfishness and greed, but the American Legion is looking our Nation in the face to-day and saying that in any future emergency our national motto must be 'Equal service for all and special profit for none.'"

Shortly after that report was made there was introduced in the Senate of the United States by Senator ARTHUR CAPPER, of Kansas, a bill which has come to be known as "The universal conscription bill." At the same time there was introduced in the House of Representatives a similar bill by Representative ROYAL C. JOHNSON. This bill, prepared by the Legion, is brief, and provides in addition to the draft heretofore authorized that the President shall in case of war, or when, in his judgment, war is imminent, conscript material resources, industrial organizations, and services in the cause of the common defense. Briefly, then, this bill places capital and labor on an equal footing with the fighting men and devotes all to the common defense.

The justice of such an act needs no explanation here. It meets with the unqualified approval of all who are thoroughly conscious of the obligation of service. Such opposition as is raised to it comes from the profiteer who desires that others may serve the Nation while he

serves himself. It comes from those who think it right that while one man is fighting for one dollar a day others should be striking for sixteen.

It may be said that such a bill would transcend the limits of our Constitution, yet the ablest lawyers, who have given the matter consideration, have no such fears.

There is nothing more sacred than life and liberty. The great Government that has the power in times of national emergency to demand both life and liberty, and devote them to the common defense should experience no difficulty in taking property or services of any kind. In time of war all private property and wealth of every description should be dedicated to the public use to such extent as is necessary to provide adequately for the public defense. It is not just that some should freely give all they have while others reserve the right to select what they will give and the price at which they will give it. War is a common emergency, and the defense of our national institutions and liberties is a common defense in which all should engage, without reservation, on an equal footing. That is in keeping with our best traditions of American patriotism and is the highest expression of democracy. I should make clear, however, that it is not proposed to take either labor, material, or capital without just compensation; fixed, however, by the Government.

It is not the Legion alone that advocates this. Great men in all walks of life have joined their voices and their influences to that of the Legion in procuring the speedy passage of such a measure. This plan had been indorsed by the political conventions of our two major parties, by Presidents Harding and Coolidge, all of the principal patriotic societies, the War Department, and innumerable leaders in public life.

The finest argument that can be advanced for the adoption of such legislation is that it will undoubtedly be the strongest incentive to peace. There is no group of people who know more of the horrors of war and who have a greater dread of its coming than those men who learned of its hardships by personal experiences, unless it be the mothers and the wives and daughters of such men who mentally suffered more than those who served. There is no physical pain comparable to mental anguish, and there is no mental anguish that approaches that of an anxious mother. To this class of people such legislation will be welcome.

There may be no truth in the statement that wars are purposely engendered and people are purposely inflamed by capital with a view to profiting in the resulting catastrophe. It is true that if the element of profit is entirely removed from war, and the realization implanted in the minds of all of the people that in the event of war they will all have to suffer sacrifice comparable at least to those of fighting men, wars will only be undertaken under the gravest of circumstances. Unfortunately men are frequently willing to encourage and applaud manifestations of the fighting instinct in others, particularly if they can see a financial profit in it for themselves. If the promise of personal profit in war or in the threat of war could be wholly removed, a great step would be taken toward the destruction of incentive to war. If every citizen, however rich, however eminent, however venerable in station or years, should feel himself liable to be called upon for sacrifices commensurate with the sacrifices of our comrades whose lives ebbed out in the wire entanglement on the field of battle, there would be less inclination to preach war among our citizens and less inclination to vote for it among our lawmakers.

We have been confronted in this country for the past 20 years with the constant possibility and menace of war with Mexico. When that war comes the youth of America will go forth to battle with colors flying and bands playing. They will go forth, in theory at least, to protect our national honor. You and I know, however, that it is not entirely our national honor that is endangered by turbulent conditions in Mexico, and the preservations of our national honor will not in all probability be the underlying cause of that war. American capital has tremendous investments in that neighboring country and the unsettled political conditions have adversely affected the dividends expected from these investments. This future war will be fought to a great extent to protect these dividends and this invested capital. I do not mean that they should not be protected and have no personal objection to participating in such a war. However, it is only just and equitable that those for whose special benefit a war is fought should take an equal part in the conflict and bear an equal share in the resulting loss, not only of life but of labor, material, and money. Legislation of the proposed type will tend to insure that participation and to the extent that it is efficient and does insure, it will tend to minimize such conflicts.

The proposed plan is not a shifting of responsibilities but is rather an equalization of them. It is not selfishness on the part of the young men who took an active part in the recent war. Since others profited in the war that they fought, the selfish course would be for them to seek profit in any war that succeeding generations may fight. By urging the conscription of capital and labor as well as fighting men we of the Legion are, in effect, pledging ourselves to serve in the next war. We are all fast passing the fighting age. Each year removes us further from that class of youth so essential to the activities of war. The war of the future will find us occupying the same relative positions

in society as were occupied by those who made immense personal profits during the past emergency. We are relinquishing our opportunity for profit in the cause of justice, peace, and the national defense.

The enactment of the proposed bill will tend, we believe, to bring about an ardent desire for peace on the part of the American people and on the part of any nation who might contemplate an attack upon us. It may well be that the time may eventually come when, through international understanding or harmony we may have international peace. I have no thought, however, that my children or my children's children will live to see that day. Pending its arrival we advocate, therefore, this type of preparedness. If it became known that this great Government of ours, in the event of war, was prepared to throw into the conflict and devote to the winning of it all of its resources, all of its men, all of its labor, and all of its industries, nations would hesitate before undertaking war with States so thoroughly united. It has been demonstrated once what this liberty-loving people of ours can do in the unfamiliar game of war. That demonstration was given under conditions not altogether favorable. That war was won not because of our efficient war plans but in spite of their inefficiency. It was won not by that whole-hearted devotion of the entire resources of the Nation to the cause, such as would be given under the proposed plan. It was won by a great majority of the people freely giving their all and in spite of the efforts of the minority to profit by the Nation's misfortune. The spread of this doctrine of universal service among the nations of the earth would appear to me to be the greatest incentive to international peace.

The plan which we are proposing not only will work successfully but has worked in the past. The nearest approach that we have to it is found in the war-time experience of France. France had long had compulsory service on the part of her soldiers. During the recent war she had virtual conscription of both labor and capital. Her munition factories, shipyards, railroads, and other great war-time industries were manned not by civilian labor but by auxiliary branches of the army. Having need of material and supplies she did not bargain with the owner and buy on the open market. What she needed for the national defense she took, and what she took in due course of time she paid for at what appeared to her to be a fair price without profit. What France has done this and other nations can do.

The conscription of capital is not the difficult radical thing that we might at first suppose. There has always been in every civilized government conscription of capital. Persons have always been required to give of their resources to maintain organized government. Taxation of any species is nothing more or less than a conscription of capital. That taxation we are familiar with, and to it we have become accustomed. We had, to a great extent, conscription of capital during the past war in our excess-profits taxes. Those who made excessive profits were required to refund the greater portion of them to the Government through the operation of the income tax law. Excessive profits were recognized as being unjust and refund of them exacted. This was but a roundabout way of accomplishing what we propose to do by a more direct method. Why permit a man or corporation to make a greater profit than he or it is permitted to keep? Why not prohibit, in the first instance, profit which is conceded to be excessive?

The practical operation of the proposed plan will, we recognize, necessitate a complete system of price control. Labor can not be expected to work for a nominal wage if the cost of living is permitted to reach unattainable heights. The elimination of profit in order to be equitable and satisfactory must be complete. Just compensation must be paid to all, and more than that to none.

The plan presented by the Legion and embodied in the pending bill is the only plan that has thus far been offered to remedy a recognized evil. Much has been said of it in the past and much need be said until Congress comes out of the lethargy of the past five years. Our national tendency seems to be to defer preparation for war until the emergency is upon us. Our past experience should have demonstrated the folly of this course. Now is the time to advocate this reform. Upon the declaration of war fault finding with existing method ceases to be a virtue. During the recent emergency men were confined in Leavenworth, and properly so, for advocating the plan that I have presented to you to-day.

Those in favor of the adoption of the Legion bill can render, we believe, an inestimable service to America and the cause of international peace by urging upon their Representatives the necessity of its prompt enactment.

In leaving this subject for your consideration I desire to present to you a contrast which, I believe, embodies all that I have tried to say.

In many places in this country there arose as a result of the war great industrial centers, whose streets still resound to the clang of the forge and anvil and whose heights are adorned with beautiful homes built from the profits of war.

I can not help but contrast such cities with another city with which I am familiar. I refer to a city in France, to my mind the dearest city in the world. The fortunes of war permitted me to see this city at the time of its establishment and permitted me to observe from time to time, in the long months that followed the armistice, its relentless growth. It is the only city that I ever watched grow where each

new inhabitant as he came in to take up his eternal abode, filled my heart with a mingled sense of sorrow and pride. Its growth has ceased now. It is a city that has no industry. Through its quiet streets the voices of little children are never raised in play. From the heights of the city in all directions the white crosses stand row on row, marking the last resting place of our comrades. To quote and slightly paraphrase the poet Gray:

"There 'neath foreign sod and yew trees shade,
Where heaves the earth in many a moldering heap,
Each in his narrow cell forever laid,
The valiant sons of America sleep.
For them no more the blazing hearth shall burn;
Nor busy housewife ply her evening's care,
No children run to hsp their sire's return,
Nor climb his knees the envied kiss to share."

There in hallowed ground sleep America's valiant sons. There Romaine—a city of the dead. Its inhabitants realized and fulfilled the universal obligation of which I have spoken. God speed the day when all of us may be equally conscious of that obligation—equally willing and eager to meet it. With the dawning of that day will come, we believe, the looked-for and prayed-for day of universal peace.

DISTRIBUTION OF THE CONGRESSIONAL RECORD

Mr. HEFLIN. Mr. President, I gave notice on day before yesterday that I would call up the bill relating to the reapportionment of CONGRESSIONAL RECORDS to Members of the House and Senate and Government officials. Yesterday I agreed with the Senator from Utah [Mr. Smoot] that the bill might go over until after the Christmas holidays.

Mr. SMOOT. I will say to the Senator that I have asked for all the information that I told him I would ask for, and I am quite sure I will have it here when the Senate reconvenes after the holiday recess.

FERDINAND YOUNG, ALIAS JAMES WILLIAMS

Mr. TYSON. Mr. President, from the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 10093) for the relief of Ferdinand Young, alias James Williams, and I submit a report (No. 1358) thereon.

Mr. EDGE. Mr. President, I should like to secure the indulgence of the Senate and be permitted to have unanimous consent for the immediate consideration of the bill just reported by the Senator from Tennessee.

I will state briefly the object of the bill and the reason for the request which I make. This bill straightens out the military record of an old veteran in the Civil War, who is now 85 years of age. The bill passed the House unanimously, and, as indicated, has been reported favorably by the Committee on Military Affairs of the Senate.

The facts are that Ferdinand Young enlisted in a Missouri regiment during the war and served for three years, meeting all the requirements of a soldier. He was given a leave of absence, but overstayed his leave. Realizing, as a young man at the time, that he had technically deserted, he failed to return to his old regiment, but enlisted in another regiment, a West Virginia regiment, as I recall, and served throughout the remainder of the war in that West Virginia regiment. However, when he enlisted in the West Virginia regiment he enlisted under an assumed name, that of James Williams, in place of his real name, which was Ferdinand Young, still fearing some possible punishment for his failure to report to his first regiment.

I may say that in his second enlistment he served in two or three engagements and stayed with the regiment until the close of the war. Technically, however, he was recorded in the military archives as a deserter.

The facts have all been carefully examined, the House has passed the bill, and I can not conceive of a Christmas gift that would be more gratefully appreciated by an old soldier than straightening out his record. I ask unanimous consent for the immediate consideration of the bill.

Mr. REED of Missouri. Mr. President, I presume it will be understood that this Missourian was away when there was no fighting going on.

Mr. EDGE. He served, I think, a total of four years and some days during the war, which lasted some five years; and at the age of 85, I think, it is a testimonial that the Senate and Congress can well bestow. I trust that unanimous consent will be granted for the consideration and passage of the bill.

Mr. KING. I wish to ask the Senator whether or not an application had heretofore been made to remove the charge of desertion and denied by the Senate or the House?

Mr. EDGE. Absolutely not. This is the first effort that has been made in behalf of securing a correction of the military record of this soldier. The bill was introduced in the House, the House requested a report from the War Department; and the War Department recommended the passage of the bill.

The VICE PRESIDENT. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Ferdinand Young, alias James Williams, formerly a private of Company K, Fourteenth New York State Militia, subsequently the Eighty-fourth New York Volunteer Infantry, and Company D, Eleventh Regiment Maryland Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably January 20, 1863, from the military service of the United States as a member of Company K, New York Volunteer Infantry: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FREDERICK D. SWANK

Mr. JONES. Mr. President, on Thursday last the Senate reconsidered the votes by which the bill (S. 584) for the relief of Frederick D. Swank was read the third time and passed by the Senate on a previous occasion. By a motion to reconsider, the bill, which had previously passed the Senate, had been held up. I assumed at the time on Thursday that the request made by the Senate of the House a week or 10 days ago for the return of the bill had been complied with and that the bill was here. I am advised, however, that it had not been returned by the House; but it has been returned now and is on the Vice President's table, I understand, and I should like to reconsider the vote by which the bill was passed and have the amendments which were put on the bill on Thursday adopted. So I ask unanimous consent that the vote whereby the bill was read the third time and passed may be reconsidered, that it may be amended as it was amended on Thursday, and may be again passed.

The VICE PRESIDENT. Is there objection?

Mr. BRUCE. What did I understand the Senator to say is the object of the bill?

Mr. JONES. It is a bill for the relief of a man named Swank.

Mr. BRUCE. I have no objection.

There being no objection, the votes by which the bill was ordered to a third reading, read the third time, and passed were reconsidered.

The Senate proceeded to consider the bill.

The VICE PRESIDENT. The amendments agreed to on Thursday will, in the absence of objection, be considered as being presented again and agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COOPERATIVE ECONOMICS

The VICE PRESIDENT. Morning business is closed.

Mr. BROOKHART. Mr. President, economics is studied and taught in all our schools as a system of competition. For the purpose of this address I shall rename it "competitive economics."

The law of supply and demand has been the basis of competitive economics in every line of business. This basis has been torn up, distorted, and broken by artificial laws and combinations, but in spite of all these disturbances it continues as the polar star in the logic of competitive economics. Not long ago a distinguished United States Senator said that 92 per cent of the people who go into business in the United States ultimately fail. Another distinguished United States Senator put the statement in the RECORD that these failures were 96 per cent. The lowest estimate I have ever seen was 80 per cent. Taking any of these percentages, there is but one conclusion—competitive economics is a failure. It is a stupendous and disastrous failure. It fails in its own household. Any system which results in such a percentage of failures is without defense, and must be rated a failure per se.

Is there any other system of economics in the world which gives promise of greater success, and one which is founded more distinctly upon principles of justice and humanity? I think there is, and I have designated this rival system as "cooperative economics." I do not mean cooperation in the usual and sporadic sense in which it is commonly used. I mean cooperation in production and in processing, in distribution, in marketing and in transportation, in credit and in education. I mean cooperation as a complete economic system that will do everything in human civilization that competition is now doing. I mean business organized on the principles of the Sermon on

the Mount, and specifically practiced under the specific terms of the golden rule itself. Such a vision is not a dream, but already a world-wide reality, and I shall describe it in brief detail.

It was in 1843 that 28 poor flannel weavers at Rochdale, England, organized the first cooperative society which has already surpassed all like business enterprises in Great Britain. These poor weavers saved their pennies for a year and a half, and with a pound each on the 21st of December, 1844, the shortest, darkest day of the year, 84 years ago yesterday, they opened up the little Rochdale store. It carried four articles of food. They tended it turn about and kept it open two nights a week. It was the scorn and joke of the neighborhood, but these weavers had persistence, intelligence, and even genius. They invented three little principles of business operation:

First. One man, one vote. Capital does not vote.

Second. Earnings of capital are limited. They never paid capital more than 5 per cent.

Third. Twenty-five per cent of all the earnings of the enterprise were kept in the business so it might grow and become prosperous and sound. The other net earnings were distributed back to the members in proportion to the business they transacted with the enterprise. This was known as the trade dividend.

These principles contained the germ and the genius of success. They persisted, and finally their little store gained a large membership and became the pride of the community. Their ideas then spread to other communities, and other like enterprises were organized until several hundred were in operation. They then met in convention and decided that they could do better with a wholesale of their own. The capital for the wholesale was subscribed by the stores. The vote for its control was in proportion to the membership of the store. The earnings of capital were limited as in the store; but 25 per cent of the net earnings were kept in the wholesale so it, too, might grow and become sound and prosperous. The other earnings were distributed back to the stores in proportion to the amount of business transacted with the wholesale. After a time this wholesale decided it could do better with a soap factory of its own. It organized one upon these same principles, now the greatest in the world. In all, these institutions have grown until in 1923 it had 158 of the greatest factories in Great Britain. Its business has spread around the world. It is to-day more truly representative of the world-wide English Empire than any other institution. It now embraces over 1,200 societies, and the Scottish Wholesale Society, its little brother, embraces 272 more. It operates vast estates of farm land in England, in Canada, in Ceylon, in India, and in West Africa. Its banking department had a turnover of two and a half billion dollars in 1922. It is next the Bank of England in fiscal importance. It writes half of the industrial life and accident insurance in Great Britain, at a cost of one-fourth charged by the profit-making companies. In spite of all the millions and billions of money and property which it handles, there is not a millionaire in its organization. It never made a millionaire and it never made a pauper. Its great convention in 1923 voted unanimously to join an international cooperative exchange upon the same simple principles. It has a great school for teaching cooperative principles and for training its business men and leaders in every enterprise.

It has the 11 biggest flour mills in Great Britain and is the biggest individual buyer of wheat for export in the United States or in Canada. It will pay the market price for wheat at Minneapolis, pay the freight to the seaboard, pay the transfer charges to the ship—sometimes its own ship—pay the freight across the ocean, grind this wheat in its own cooperative mills, bake the bread in its own cooperative bakeries, and sell the bread at a profit—not a reasonable but a cooperative profit—to its members in Great Britain, at a fraction of a cent less than half paid by the laboring people of Minneapolis for bread made out of the same wheat. The basis of the success of this great cooperative institution is cooperative credit. It has its own deposit banks in every enterprise, and its own reserve bank as a department in the great wholesale.

There is no competition in this system. Its only competition is outside and with competitive economics itself. It is found in a very high degree in all the countries of Europe. Its growth since the war has been so great as to lead me to say that cooperative economics is the only system that has survived the war. In the United States last year the farmers transacted more than two and a half billion dollars of cooperative business. Its growth in the United States, although not organized as in Europe, is still the outstanding economic development of our country and it is succeeding.

It has reached a stage of permanent success in most of the countries where it has long been established. Its success in

Great Britain, compared with the failure of competitive economics in the United States, is an argument that staggers. There are almost no failures in Great Britain. The whole system is so well organized, so interdependent, and so bound together in mutual support that failure is a rare possibility. In the United States the failures are about like other business because cooperatives are not federated together and are not supported by their own credit systems as in other countries. In other words, cooperation in America has not reached the state of a complete system of cooperative economics.

What is necessary to develop this great system successfully in our country? The first thing needed is a cooperative banking law. There is no such thing in the United States. Competitive and commercial banking systems have a monopoly upon the deposits of the farmers and laboring people of the United States. There are credit union laws, but none of them provide for a credit system for the transaction of big business. We are the only civilized country in the world that prohibits its working people from the farm, in the factory, and at the desk from organizing their own savings in a cooperative credit system with a reserve bank and all under their own control.

The logical basis of cooperative economics is cooperative credit. It is the starting point and the sure forerunner of success. A single cooperative bank can start and succeed when a cooperative store or other enterprise would fail. If the law would permit their organization into a system, the success would be unquestioned. The power of our Federal reserve system for competitive and especially speculative business is too great. This is now admitted by all. The only safe way to check that power is to pass a cooperative reserve-system measure and invest it with the powers of the commercial or competitive reserve. With this credit system organized, it would be possible then to organize successfully producers and consumers' cooperative enterprises of every kind. They would have the best financial advice of their own friends before starting, and could then depend upon the necessary financial support. They would not be started unless they measured up to the requirements of cooperative soundness and success. Cooperative banks are the soundest and the safest in the world because they never lend money for speculative purposes. They develop the soundest and the safest business in the world. They end profiteering. They end the waste of competition, the greatest waste in modern civilization. They can safely join an international exchange upon the same simple principles and end the economic causes of war between nations. Cooperative economics promises more for civilization than any other economic theory ever devised by the mind of man.

In conclusion, Mr. President, I desire to read the names of the 28 persons who founded this cooperative system at the little town of Rochdale in England, in a store on a street named Toad Lane. That little store building is to-day the only purely economic shrine that has ever existed in this world. It is the only place where people gather from all over the world because of the purely economic things done at that place.

Here are the names:

James Smithies, Charles Howarth—

I might say that Howarth was perhaps the genius of these 28 persons. He invented the third principle of cooperation, the trade dividend, which made cooperation succeed where it had failed before, when it tried to do business at cost—

William Cooper, David Brooks, John Collier, Samuel Ashworth, Miles Ashworth, William Mallalieu, George Healey, James Daly, James Tweedale, Samuel Tweedale, John Kershaw, James Maden, John Scrowcroft, John Hill, John Holt, James Standing, James Manock, Joseph Smith, William Taylor, Robert Taylor, Benjamin Rudman, James Wilkinson, John Garside, John Bent, Ann Tweedale, and James Bamford.

You will notice the name of one woman in the list; and perhaps this is the first recognition of women on equal terms with men in economic business.

MULTILATERAL PEACE TREATY

Mr. FRAZIER. Mr. President, we are about to adjourn for the Christmas holidays. It is a time of good fellowship and good cheer. It is a sacred and hallowed time—the time when the world celebrates the anniversary of the coming of the Prince of Peace, the great Master who taught "Peace on earth, good will to men."

When we reassemble on the 3d of January we will, by unanimous-consent agreement, take up the peace treaty—a treaty for world peace; a treaty which, if honestly carried out, will tend to promote "peace on earth and good will to men."

I know of nothing more fitting and appropriate at this time than the poem entitled "Christmas Bells," by America's most dearly beloved poet, Henry Wadsworth Longfellow.

Mr. President, I am going to read the poem, and I trust that the spirit of it—peace on earth, good will to men—may touch the heart of every Member of the United States Senate:

CHRISTMAS BELLS

I heard the bells on Christmas Day
Their old, familiar carols play,
And wild and sweet
The words repeat
Of peace on earth, good will to men!

And thought how, as the day had come,
The belfries of all Christendom
Had rolled along
The unbroken song
Of peace on earth, good will to men!

Till, ringing, singing on its way,
The world revolved from night to day,
A voice, a chime,
A chant sublime
Of peace on earth, good will to men!

Then from each black, accursed mouth
The cannon thundered in the South,
And with the sound
The carols drowned
Of peace on earth, good will to men!

It was as if an earthquake rent
The hearthstones of a continent,
And made forlorn
The households born
Of peace on earth, good will to men!

And in despair I bowed my head;
"There is no peace on earth," I said;
"For hate is strong,
And mocks the song
Of peace on earth, good will to men!"

Then pealed the bells more loud and deep:
"God is not dead; nor doth He sleep!
The Wrong shall fail,
The Right prevail,
With peace on earth, good will to men!"

DECLINE IN COTTON PRICES IN 1927 (REPT. NO. 1376)

Mr. CAPPER. Mr. President, a few months ago a subcommittee of the Committee on Agriculture and Forestry was appointed to investigate the 1927 decline in cotton prices. I was informed that a majority report was filed at the close of the last session, and I wish to submit a report embodying my own views on the investigation made at that time.

The PRESIDING OFFICER (Mr. STECK in the chair). The report will be received.

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

ADJOURNMENT

Mr. CURTIS. I move that the Senate adjourn.

The motion was agreed to; and the Senate (at 12 o'clock and 50 minutes p. m.) adjourned, the adjournment being, under the concurrent resolution of the two Houses, until Thursday, January 3, 1929, at 12 o'clock meridian.

NOMINATIONS

Executive nominations received by the Senate December 22, 1928

COLLECTOR OF CUSTOMS

Kyle Elam, of Port Arthur, Tex., to be collector of customs for customs collection district No. 21, with headquarters at Port Arthur, Tex., to fill an existing vacancy.

APPOINTMENTS IN THE REGULAR ARMY

GENERAL OFFICERS

To be brigadier general

Col. George Henson Estes, General Staff Corps (Infantry), from January 2, 1929, vice Brig. Gen. Henry C. Smither, to be retired from active service January 1, 1929.

To be chief of branch

Col. Francis LeJau Parker, Cavalry, to be Chief of the Bureau of Insular Affairs, with the rank of brigadier general, for

a period of four years from date of acceptance, with rank from January 6, 1929, vice Maj. Gen. Frank McIntyre, Chief of the Bureau of Insular Affairs, to be retired from active service January 5, 1929.

[NOTE.—Under provisions of section 14, act of June 4, 1920, rank of major general ceases with termination of tenure of office of incumbent.]

POSTMASTERS

CALIFORNIA

Gladys B. Evans to be postmaster at Knights Landing, Calif., in place of G. B. Evans. Incumbent's commission expires January 5, 1929.

Mamie L. Royce to be postmaster at Pittsburg, Calif., in place of M. L. Royce. Incumbent's commission expires January 5, 1929.

Clement J. Nash to be postmaster at San Mateo, Calif., in place of C. J. Nash. Incumbent's commission expires January 5, 1929.

GEORGIA

George E. Youmans to be postmaster at Adrian, Ga., in place of G. E. Youmans. Incumbent's commission expired December 10, 1928.

John H. Boone to be postmaster at Hazlehurst, Ga., in place of J. H. Boone. Incumbent's commission expired December 10, 1928.

ILLINOIS

Emma L. Enders to be postmaster at Cherry Valley, Ill. Office became presidential July 1, 1928.

IOWA

Gay S. Thomas to be postmaster at Audubon, Iowa, in place of G. S. Thomas. Incumbent's commission expires December 29, 1928.

Samuel A. Garlow to be postmaster at Avoca, Iowa, in place of S. A. Garlow. Incumbent's commission expires December 29, 1928.

Homer C. Thompson to be postmaster at Bayard, Iowa, in place of H. C. Thompson. Incumbent's commission expires December 29, 1928.

William W. Gundrum to be postmaster at Casey, Iowa, in place of W. W. Gundrum. Incumbent's commission expires December 29, 1928.

KANSAS

Maud Williams to be postmaster at Lenexa, Kans., in place of Maud Williams. Incumbent's commission expired December 9, 1928.

LOUISIANA

Amy B. Griffin to be postmaster at Gilbert, La., in place of E. F. Kelly, resigned.

MAINE

Lawrence A. Brown to be postmaster at Brunswick, Me., in place of L. A. Brown. Incumbent's commission expires January 5, 1929.

Frank P. Freeman to be postmaster at Harrison, Me., in place of F. P. Freeman. Incumbent's commission expires January 5, 1929.

MASSACHUSETTS

Andrew J. Maguire to be postmaster at Randolph, Mass., in place of A. J. Maguire. Incumbent's commission expires January 5, 1929.

MONTANA

Andrew K. Resner to be postmaster at Ronan, Mont., in place of A. K. Resner. Incumbent's commission expires December 29, 1928.

NEBRASKA

Edgar T. Lay to be postmaster at Seneca, Nebr., in place of E. T. Lay. Incumbent's commission expired December 19, 1927.

Murry K. Holley to be postmaster at Waverly, Nebr., in place of M. K. Holley. Incumbent's commission expired December 11, 1928.

NORTH CAROLINA

Roger V. Phillips to be postmaster at Grifton, N. C., in place of W. H. McCotter, resigned.

OHIO

Lucy M. Robson to be postmaster at Grafton, Ohio, in place of F. W. Howard, deceased.

William A. Campbell to be postmaster at Oakharbor, Ohio, in place of W. A. Campbell. Incumbent's commission expired April 7, 1928.

Rhody E. Campbell to be postmaster at Toronto, Ohio, in place of W. S. Paisley, resigned.

OREGON

William R. Anderson to be postmaster at Milton, Oreg., in place of W. R. Anderson. Incumbent's commission expires January 5, 1929.

PENNSYLVANIA

Walter C. Alcorn to be postmaster at Avonmore, Pa., in place of W. C. Alcorn. Incumbent's commission expires January 5, 1929.

Adah E. Pettis to be postmaster at Saegerstown, Pa., in place of A. E. Pettis. Incumbent's commission expires January 5, 1929.

Mary M. Kite to be postmaster at Pocono Manor, Pa., in place of E. A. Hoopes, resigned.

TENNESSEE

Parks L. Hayes to be postmaster at Lynchburg, Tenn., in place of M. L. Hayes, resigned.

WASHINGTON

Albert Maurer to be postmaster at Kelso, Wash., in place of Albert Maurer. Incumbent's commission expires January 5, 1929.

Pearl B. Burrill to be postmaster at Snoqualmie Falls, Wash., in place of P. B. Burrill. Incumbent's commission expires January 5, 1929.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 22, 1928

INTERSTATE COMMERCE COMMISSIONERS

Claude R. Porter to be an interstate commerce commissioner.
Clyde B. Aitchison to be an interstate commerce commissioner.

Patrick J. Farrell to be an interstate commerce commissioner.

APPOINTMENTS IN THE REGULAR ARMY OF THE UNITED STATES

ASSISTANT CHIEF OF BRANCH

Col. Winthrop Samuel Wood, Quartermaster Corps, to be assistant to the Quartermaster General, with the rank of brigadier general, for a period of four years from date of acceptance, with rank from February 2, 1929.

MEDICAL CORPS

To be first lieutenants

First Lieut. John Larkin Gallagher, jr.
First Lieut. Robert Eugene Bitner.

MEDICAL ADMINISTRATIVE CORPS

To be second lieutenants

Staff Sergt. Orion Victor Kempf.
Staff Sergt. Kindrick Ownby.
Staff Sergt. Robert Lee Black.
Pvt. Paul Estabrooke Zuver.

CHAPLAIN

Rev. Walter Hilary Paschal to be chaplain with the rank of first lieutenant.

APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

QUARTERMASTER CORPS

Capt. John Bryce Casseday, Cavalry.
First Lieut. Charles Franklin Fletter, Field Artillery.
First Lieut. Charles Speir Lawrence, Infantry.

FINANCE DEPARTMENT

First Lieut. James Robert Manees, Infantry.

CHEMICAL WARFARE SERVICE

Maj. Theodore Barnes, Cavalry.

FIELD ARTILLERY

Capt. William Wayne Murphey, Ordnance Department.

SIGNAL CORPS

First Lieut. Donald Campbell Kemp, Cavalry.

AIR CORPS

Second Lieut. Walter Sylvester Lee, Infantry.
Second Lieut. Julius Theodore Flock, Signal Corps.
Second Lieut. Bernard Cecil Rose, Infantry.
Second Lieut. Robert Lewis Easton, Infantry.

PROMOTIONS IN THE REGULAR ARMY

To be colonel

Lieut. Col. Gustave Rudolph Lukesh, Corps of Engineers.

To be lieutenant colonels

Maj. John Charles French, Infantry.
Maj. John Walter Downer, Field Artillery.

Maj. Charles Bernadou Elliott, Infantry.
 Maj. John Bunyan Corbly, Infantry.
 Maj. Joseph Lybrand Topham, jr., Quartermaster Corps.
 Maj. Charles Lewis Sampson, Infantry.
 Maj. John Marshall True, Quartermaster Corps.

To be majors

Capt. Richard Bruce Webb, Coast Artillery Corps.
 Capt. Moses Goodman, Coast Artillery Corps.
 Capt. Arthur Henry Truxes, Cavalry.
 Capt. Gordon Joseph Fred Heron, Cavalry.
 Capt. Thomas Seelye Arms, Infantry.
 Capt. Raymond Duffield Bell, Infantry.
 Capt. Archelaus Lewis Hamblen, Infantry.
 Capt. Paul Whitten Mapes, Infantry.
 Capt. Robert Chauncey Macon, Infantry.
 Capt. Oron Allston Palmer, Cavalry.
 Capt. Stanley Bacon, Field Artillery.

To be captains

First Lieut. Frederic Bernard Wieners, Air Corps.
 First Lieut. Frank Richards, Coast Artillery Corps.
 First Lieut. Ralph Harry Woolsey, Quartermaster Corps.
 First Lieut. Richard Francis Lussier, Infantry.
 First Lieut. Jack Roy Gage, Infantry.
 First Lieut. Raymond Peter Lavin, Infantry.
 First Lieut. Henry Wyatt Isbell, Infantry.
 First Lieut. Willis Stanley Bryant, Field Artillery.
 First Lieut. Harland Clayton Griswold, Infantry.
 First Lieut. Ralph Edmund Powell, Infantry.
 First Lieut. Perry Wainer, Air Corps.
 First Lieut. Krauth Whitson Thom, Infantry.
 First Lieut. Guy Malcolm Kinman, Infantry.
 First Lieut. John Francis Somers, Infantry.
 First Lieut. LeRoy Moore Wightman, Cavalry.
 First Lieut. Harry Ruhl Lebkicher, Chemical Warfare Service.
 First Lieut. Ernest Stratton Barker, Infantry.
 First Lieut. William Seymour Gravely, Air Corps.
 First Lieut. Harlan Ware Holden, Air Corps.

To be first lieutenants

Second Lieut. Felix Nicholson Parsons, Coast Artillery Corps.
 Second Lieut. Ben Early Cordell, Coast Artillery Corps.
 Second Lieut. Dalies Joshua Oyster, Field Artillery.
 Second Lieut. George Phillips Privett, Field Artillery.
 Second Lieut. Richard Howell Dean, Air Corps.
 Second Lieut. Carl Adam Kugel, Infantry.
 Second Lieut. William Lindsay McPherson, Coast Artillery Corps.
 Second Lieut. William Vincent Gray, Infantry.
 Second Lieut. Rowland Kieburz, Air Corps.
 Second Lieut. Daniel Peter Norman, Infantry.
 Second Lieut. John Mitchell England, Coast Artillery Corps.
 Second Lieut. Floyd Cornelius Devenbeck, Ordnance Department.
 Second Lieut. William Black Forse, Infantry.
 Second Lieut. William Brown Short, Coast Artillery Corps.
 Second Lieut. John Wallace Homewood, Infantry.
 Second Lieut. James Vestie Collier, Field Artillery.
 Second Lieut. Edwin Kennedy Wright, Infantry.
 Second Lieut. Clint Leroy Taylor, Field Artillery.
 Second Lieut. Richard Herbert Torovsky, Infantry.

*PROMOTIONS IN THE NAVY**To be captains*

Gordon W. Haines.
 John W. Wilcox, jr.

To be commander

James R. Barry.

To be lieutenant commanders

Harrison Avery.
 Thomas R. Cooley.

To be lieutenants

William B. Cranston.	John P. Whitney.
Paul H. Wiedorn.	Joyce C. Cawthon.
Carl F. Espe.	Thomas B. Dugan.
Edward C. Metcalfe.	John A. Hollowell, jr.
William F. Jennings.	

To be lieutenants (junior grade)

Redfield Mason.	William H. Shahan.
Hubert T. Waters.	Julian B. Jordan.
Donald A. Bush.	James A. McNally.
Herman E. Schieke.	Theodore Wolcott.

To be medical inspectors

George C. Rhoades.
 John C. Parham.

To be passed assistant surgeon

John M. Woodard.

To be pay inspector

Hervey B. Ransdell.

To be chief pharmacist

Maurice W. Throckmorton.

To be chief pay clerk

William D. Wilkinson.

To be naval constructors

George Helms.	Tony L. Hannah.
Timothy E. Kiley.	Herbert Duthie.
John P. Yates.	James G. McPherson.
Thomas W. Richards.	Albert G. Merrill.
Joseph M. Simms.	Frederick B. Britt.
Frederick C. LePine.	Robert B. Pick.
Matthew B. Pollock.	John H. Jack, jr.
Walter W. Toles.	Clarence W. Chaddock.
William C. Hardie.	Thomas F. O'Brien.
William F. Hamberger.	Irving B. McDaniel.
John A. Lord.	George T. Paine.
William O'Neill.	William A. Sullivan.
Frederick M. Kirchmier.	Harold Lerner.
George A. Lazar.	Carl B. Harper.
Lawrence A. Maaske.	Ralph S. Barnaby.
Harry E. Cooper.	Clem H. Congdon.
Albert Tucker.	Raymond D. MacCart.
Clifton Greenwell.	Walter S. Diehl.
Joseph Feaster, jr.	William F. Twitchell.
Harry T. Newman.	Michael C. Faber.
Peter Treutlein.	Lucien M. Grant.
James W. Costello.	Antonio S. Pitre.
Robert H. Lake.	Joseph M. Kiernan.
Brandt W. Wilson.	George V. Whittle.
Stuart P. Mead.	Hugh W. Gokey.
Joseph J. Redington.	Roland G. Mayer.
Francis X. Maher.	William W. Hastings.
Robert Velz.	George W. Henderson.
Louis Haase.	Gerald W. Thomson.
Caleb Whitford.	William Neidert.
Robert Morgan.	Cornelius V. S. Knox.
Joel A. Davis.	Virgil V. McKenna.
James P. Shovlin.	Wendell P. Roop.
Robert H. Neville.	Charles Hibbard.
John A. Price.	Karl Schmidt.

To be civil engineers

Robert L. McLellan.	Robert R. Yates.
Harold W. Johnson.	Albert A. L. Ort.
Charles L. B. Anderson.	Clyde W. Coryell.
Dow H. Nicholson.	Edward D. Graffin.
Allen Hoar.	Robert E. Hancock.
Harry LeG. Hilton.	William W. Schneider.
Collins L. Macrae.	Thomas J. Brady, jr.
Edmund B. Keating.	

*POSTMASTER**LOUISIANA*

Clem S. Clarke, Shreveport.

HOUSE OF REPRESENTATIVES

SATURDAY, December 22, 1928

The House met at 12 o'clock noon.
 The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty God, our Jehovah Father, we wait—waiting for the burst of sacred silence. How beautiful upon the mountains are the feet of Him that bringeth good tidings, that publisheth peace. In the Judean twilight, out of the loins of the Hebrew maiden, Thou art to bring forth a Saviour, who is to set the theme of the world's thought. We shall soon hear the stroke of the purest heart that ever beat, see the tenderest eyes that ever glowed in love, and listen to the most wonderful words that were ever uttered. Down through the long isles of the past, up to the vaulted roof of the skies, will come the angels' chorus: Glory to God in the highest, on earth peace, good will toward men. We praise Thee that earth's temples are to be no longer empty and lonely. The mighty Son of Israel is to come

to resting the harps of men and attune them to the harmony of His own beautiful life. Oh let the incense of His holy altar envelope us and fill the whole temple of our Republic, bless the hearthstones of our homes and circle forth over land and sea. Father, take our confined hearts, grasp our selfish lives, and use these poor treasures in earthen vessels. Reunite all lands in the bonds of peace and brotherhood, that they may know the greater fullness of our Father's house. O river of God, O heavenly Christmas tide, flow on and become wider and deeper, touching, blessing, saving this teeming world. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On December 15, 1928:

H. R. 11983. An act to provide for issuance of perpetual easement to the Department of Fish and Game, State of Idaho, to certain lands situated within the original boundaries of the Nez Perce Indian Reservation, State of Idaho;

H. R. 13606. An act for the relief of Russell White Bear;

H. R. 13824. An act authorizing L. L. Montague, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Columbia River at or near Arlington, Oreg.;

H. J. Res. 76. Joint resolution for the relief of Leah Frank, Creek Indian, new born, roll No. 294;

H. J. Res. 260. Joint resolution for the relief of Eloise Childers, Creek Indian, minor, roll No. 354;

H. J. Res. 261. Joint resolution for the relief of Effa Cowe, Creek Indian, new born, roll No. 78;

H. J. Res. 346. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1928, on the 20th day of that month; and

H. R. 12533. An act to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes.

On December 17, 1928:

H. R. 12312. An act for the relief of James Hunts Along; and

H. R. 7346. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment thereon in claims which the Winnebago Tribe of Indians may have against the United States, and for other purposes.

On December 18, 1928:

H. R. 13990. An act to authorize the President to present the distinguished flying cross to Orville Wright, and to Wilbur Wright, deceased.

On December 20, 1928:

H. R. 14801. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1930, and for other purposes.

On December 21, 1928:

H. R. 5773. An act to provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes;

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States; and

H. J. Res. 352. Joint resolution for the relief of Porto Rico.

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H. R. 7324. An act for the relief of Orla W. Robinson.

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 4126. An act authorizing the National Capital Park and Planning Commission to acquire title to land subject to limited rights reserved, and limited rights in land, and authorizing the Director of Public Buildings and Public Parks of the National Capital to lease land or existing buildings for limited periods in certain instances.

BILL PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee did on December 21, 1928, present to the President for his approval a bill of the House of the following title:

H. R. 13665. An act to provide for the submission to the Congress of preliminary plans and estimates of costs for the construction of a building for the Supreme Court of the United States.

AMENDMENT OF THE RETIREMENT ACT

Mr. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on a bill which I have introduced amending the retirement act affecting the employees in the classified civil service.

The SPEAKER. Is there objection to the request of the gentleman from Idaho?

There was no objection.

Mr. SMITH. Mr. Speaker, I wish to invite the attention of the House to a bill which I have introduced amending the retirement act affecting the employees in the classified civil service by providing that the rate of retirement shall be based upon the average salary for any period of five consecutive years, at the option of the employee, instead of the last 10 years of service, as provided under the existing law.

The reasons for such amendment are as follows:

First. The amendment of the law would increase the annuity of many a little, of few some, and of a very few a great deal, without lessening the annuity of anyone.

Second. It would increase the efficiency of the civil service in two ways: (a) By encouraging every employee, especially those in the lower grades, to strive always to do his or her best in order to advance, and thus reach the high five consecutive years of service before becoming less efficient, on account of age, when reductions would occur; and (b) by allowing the chiefs of bureaus to reduce inefficient employees, without reducing their annuities, when they come to retire; otherwise no chief will likely reduce an old and faithful employee, however inefficient on account of age, if at the same time he reduces his annuity for the rest of his life.

Third. As a consequence of basing the annuity on the last 10 years of service (as in the present law) there are now in scattered bureaus many employees drawing good salaries who render inefficient service on account of age or other infirmities.

Fourth. There are employees whose salaries have been reduced during the last few years before retirement on account of inefficiency, due to old age, or sickness, or accident, or dislike of chief or other cause, who otherwise would have received the full amount under the present law. Should a person have his pension reduced the remainder of his life because of a reduction in salary, due to accident or other causes which made it necessary to reduce his salary? This often occurs under the present law.

Fifth. It is true of clerical and other simple work that after the age of 60 or 65 a clerk is usually less efficient, and where distinctly inefficient should be reduced, so that a younger person may be promoted to his place, but this is not liable to be done, as it at the same time reduces the annuity under the present law.

Sixth. Making the annuity depend on the average of any five consecutive years of service does full justice and injures no one, helps many, and makes the service much more efficient.

If a clerk's salary is \$1,600 and he renders inefficient service on account of age or illness, the Government loses full service annually until he retires under the present law, for he may not be reduced, as it reduces his retired compensation the rest of his life. But if the law is amended as proposed he could be reduced and a younger and more efficient clerk be promoted to the \$1,600 place, and the Government would be the gainer and the employee's retired pay not be affected. In every case of reduction in salary on account of old age or inefficiency under the proposed amendment the Government will save much, increase efficiency greatly, and do no injustice to anyone.

The bill I have introduced is as follows:

A bill amending an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof.

Be it enacted, etc., That section 4 of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof, be, and is hereby, amended to read as follows:

"SEC. 4. The annuity of an employee retired under the provisions of the preceding sections of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed \$1,500 per annum, received by such employees during any five consecutive years of allowable service, by the number of years of service, not to exceed 30 years, and dividing the product by 45. In no case, however, shall the annuity exceed \$1,000 per annum. For the purposes of this act all periods of service shall be computed in accordance with section 5 hereof, and the annuity shall be fixed at the nearest multiple of 12.

EXTENSION OF REMARKS

Mr. CRAIL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the emergency officers' retirement bill and to incorporate therein an editorial from the Los Angeles Times.

The SPEAKER. Is there objection to the request of the gentleman from California?

Mr. UNDERHILL. I object.

ORVILLE WRIGHT

Mr. COLE of Iowa. Mr. Speaker, if the gentleman from Massachusetts [Mr. UNDERHILL] will not object, I would like unanimous consent to insert in the RECORD a little incident in the lives of the two Wright boys. I am sure that we are all interested in preserving all the Orville and Wilbur Wright data that is available, especially for future biographers and historians.

It so happened that for a few years the Wright family lived in Cedar Rapids, Iowa, my home city, where their father was pastor of the United Brethren Church. Two of the teachers who came into contact with these boys are still living. The teacher of Orville Wright, who was then in the second grade, is now Mrs. Ida M. Ballheim. In connection with the celebration at Kitty Hawk, this teacher throws light on the origin of the idea of flight in his mind. The idea must have been born with him. Orville came into the schoolroom one day with the model of a "toy flying machine." That incident is quite historic now. It shows that the boy was thinking of what the man afterwards developed. The teacher in effect told him to take it away and forget it, because many people had wasted their time on the same subject. The little boy assured his teacher that "Some day we are going to make a flying machine," referring to his brother and himself.

How fortunate that the boy did not take the advice of his teacher and forget about it, but instead kept on thinking about it until 25 years ago at Kitty Hawk they solved the quest and the problem of the ages. If instead of giving that advice the teacher had kept that boyish model of a future great invention, what a precious relic it would be now. That "toy flying machine" would now be placed under glass by the side of the real machine that made the historic ascent at Kitty Hawk.

I will not relate the story in full, but I ask leave to insert the newspaper account of it as part of my remarks, and I do this to conserve the time of the House.

Mr. UNDERHILL. Reserving the right to object, the RECORD is neither a history of aviation nor a history of the life of the Wright brothers. Undoubtedly, at the proper time and place, that will be written up. The gentleman has so splendidly and perfectly told the story that I think there is no necessity of further putting it in the RECORD, so I must object.

Mr. COLE of Iowa. Mr. Speaker, then I will ask unanimous consent to speak for five minutes more.

The SPEAKER. The gentleman from Iowa asks unanimous consent to speak for five minutes. Is there objection?

There was no objection.

Mr. COLE of Iowa. In my time, Mr. Speaker, I will ask the Clerk to read the clipping which I send to the desk.

There was no objection, and the Clerk read as follows from the Cedar Rapids (Iowa) Gazette and Republican, of December 17:

The national celebration to-day of the twenty-fifth anniversary of the first flight in a heavier-than-air machine recalls to the mind of Mrs. Ida M. Ballheim, 2220 Mount Vernon Avenue, the days when she taught Orville Wright, a student then in the Cedar Rapids schools and the man who is being feted as the inventor of the airplane.

Orville, then a lad in the second grade of Jefferson School, showed to his teacher even at that early age that he was thinking of the invention that was destined to make him famous. Mrs. Ballheim says she remembers that Orville brought a toy flying machine to school one day and remarked to her that he and his brother "some day were going to make a flying machine." Mrs. Ballheim, as she stood by his desk, smiled and said that probably he had "better not waste his time on that," because so many other people had tried and could not make them work.

"You would just know by the way Orville walked across the floor that he was going to amount to something," said she. "He showed that he was a genius, even as a boy."

Mrs. Ballheim taught Orville and Miss Emma Fordyce taught Wilbur in the third grade. Mrs. Ballheim is now in charge of the library at McKinley School and Miss Fordyce is librarian at Washington High School.

Mr. COLE of Iowa. I submit that that is a very interesting and a very human item, and should properly go into the RECORD, where it will be preserved. I ask unanimous consent for leave to revise my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. UNDERHILL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERHILL. I would ask of the Speaker if that is not an infraction of the rules of the House as laid down with regard to the RECORD? I have no objection to the matter going in, although it is more of an advertisement for the school-teacher than it is for Orville Wright. I think we might as well have the thing settled at this session and determined as to matters that should appear in the RECORD.

The SPEAKER. The Chair thinks that the only rule is as to unanimous consent. If any gentleman objects, that is sufficient to exclude it.

Mr. COLE of Iowa. It is not my intention, Mr. Speaker, to add to my remarks; I simply want to see that I have it in proper form.

COLORADO RIVER BASIN

Mr. MORROW. Mr. Speaker, I ask unanimous consent to extend and revise my remarks on the Boulder Dam bill.

The SPEAKER. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. MORROW. Mr. Speaker, the upper-basin States are interested in the legislation for the development of the lower Colorado River Basin and the signing of a 7-State compact in order to secure protection by this compact of a future water supply to the four upper-basin States, and for the removal of the danger of a future lack of water in development of the lands suitable for irrigation.

This fear naturally arises on account of the interstate character of the stream and the latest decision of the United States Supreme Court in the case of *Wyoming v. Colorado* (259 U. S. 419). This decision establishes the rule, somewhat modified, that waters are to be divided between States which maintain the appropriation system of water by State statute; under this system the first users in their order of use by seniority, no matter where located upon the stream, have the right to water in the order of priority of use to the extent of their uses, as established and those coming later to take what is left. This rule does not respect State lines. So therefore, the energetic State and its people who have been diligent in filing and perfecting their water rights, have the advantage over the State that has lagged in its activity of looking after this vital necessity, for future growth. This applies directly to the State of New Mexico.

Although irrigation started in the southwestern part of the United States centuries ago among the Pueblo Indians of New Mexico and Arizona, and was carried on by the Spanish settlers, they failed to perfect and establish their rights by the law of appropriation, until within the period of the past one-quarter of a century. It is stated that the law of appropriation applies to about one-third of the water of the seven basin States, and about equally to each division, the upper and lower basins.

Unless a high dam is built at Black Canyon, the great bulk, or nearly two-thirds of the water of this vast water-shed during the flood season, will be lost entirely for utility in the United States. Therefore, the necessity of the high dam for impounding the water for the lower basin, not only for domestic use and irrigation, but for the development of hydroelectric power as well is apparent. The hydroelectric power developed will repay the Government and promote a great natural resource in the power.

This same principle of impounding dams must be applied at a later period in the four upper basin States so that all the drainage waters may be impounded for use. When that time arrives and the waters are so impounded in great dams, the use of all this impounded water means not only an increased water supply for the whole area in the upper and lower basins, but it means a stream regulation flow as well; because, as the water is used for the growth of vegetation in irrigation, the vegetation protects the evaporation and the water thus employed in irrigation percolates through the soil and again returns to the stream to be again employed and returned. Thus through impounding and use the stream flow is greatly regulated and increased by the law of nature applying the water to use and returning it back again to the stream.

The dam to be built in Black Canyon, on the Colorado River, which project has been in the press of the Nation and thoroughly discussed for the past several years as to the feasibility of legislation, and also before Congress of the United States for eight years, has at last passed in a much modified form, which apparently must suit the large power companies at least

to a degree, because after many amendments in the Senate the amended bill had but little opposition. The bill was returned to the House and those most vitally interested in the legislation appeared to acquiesce in the Senate amendments; President Coolidge promptly approved the legislation when it was presented to him.

The steps necessary to agree to its terms by the seven States remain yet before the legislation can be put into operation, and such steps must be finally worked out and a successful solution not long delayed is asked for by the States that still adhere to the original compact.

LOCATION OF THE DAM

The dam, when constructed, will be on the Arizona-Nevada line. This dam is to hold the great volume of water that will be carried from the watershed of this great mountain country, where its waters are gathered from the drainage of the high mountains of Utah, Wyoming, Colorado, a drainage area of 240,000 square miles, largely in the four upper basin States; these waters gathered from the drainage into this basin find their way to the channel of this mighty river (the Colorado), which starts at the headwaters of the Green River in the high mountain peaks of Wyoming, some as high as 29,000 feet, and carries its great volume of water and mud to the Gulf of California. The length of the river is given as 1,750 miles.

The dam to be erected at Black Canyon is to fill in the canyon a width of 350 feet at the low-water line and 880 feet wide at the crest and to impound not less than 20,000,000 acre-feet of water to serve the irrigation and domestic use in Imperial Valley, California, the irrigation in Nevada and Arizona, and also to care for a settlement of the demands of Mexico upon this river for irrigation and water usage.

ALLOCATION OF WATER

The hope of this legislation is to fix and to reserve to seven of the arid States of the basin of this river their respective right to a part of the annual flow for the future needs of each State, as its requirements for an equitable part of the water arises in the development of each State.

The survey would indicate that if the allocation heretofore made by the compact signed at Santa Fe, N. Mex., November 24, 1922, were now ratified by all seven States and approved by the terms of the bill recently signed by the President, that this is a decided step in equitable legislation for the protection of the water of each of the seven States.

The terms of the legislation, if finally ratified, mean that Arizona, Nevada, and California have already been allocated their part of the water, both individually and as to the amount that has been determined by the legislation, as going to the lower basin. In this determination it would appear that Congress was careful to apportion to each of the lower States a fair and just amount of water in proportion to their immediate and future needs and limiting California to an annual use of 4,400,000 acre-feet to include all uses, contracts to be made under the act passed and in pursuance of Article III of the Colorado River compact, plus not more than one-half of any excess or surplus waters unapportioned by said compact, and in such use to conform to the compact. It would appear very definitely and specifically that California is well bound by this legislation as to what her water rights are in the Colorado River after the water is impounded in the dam.

The bill provides further authority by which under the terms of Article III of the original compact Arizona and Nevada are directed to enter into a compact by which Nevada shall have 300,000 acre-feet of water and Arizona 2,800,000 acre-feet for exclusive, beneficial, and consumptive use in perpetuity annually. Arizona, like California, may annually use one-half of the excess or surplus waters unappropriated by the Colorado River compact. To this is added the exclusive beneficial and consumptive use of the Gila River and its tributaries within the boundaries of said State; also that the waters of the Gila River and its tributaries except return flow after same enters the Colorado River shall never be subject to any diminution that may be the result of a treaty or otherwise with the United States of Mexico, except as provided in Article III of the Colorado River compact; it shall be necessary to supply water to the United States of Mexico from waters over and above the surplus as defined by said compact; then the States of California and Arizona each shall mutually agree to supply out of the main stream of the Colorado one-half of any deficiency which must be supplied to Mexico by the lower basin.

This would appear to be a fair and equitable division of the water between the three lower basin States of Arizona, California, and Nevada, according to their needs and future uses. If the terms of the original compact are agreed to by all seven States, the three lower basin States have by the terms of the bill (H. R. 5773) as amended, settled forever the water question

of Wyoming, Utah, Colorado, and New Mexico. Concerning the four upper basin States the division of water between the four States ought also to be promptly taken up by State legislation and settled now and not wait for future controversy and expensive litigation.

The executives of these respective States can employ their powers very beneficially in behalf of the people in each of the States by recommendations for the necessary authority, funds, and provisions that do not now exist in the law of each State and to see that such legislation is enacted.

The 7,500,000 acre-feet allocated by compact to the upper basin States should be apportioned equitably to meet the needs of each State along the line of beneficial use by proper division of said water as was contemplated in the original compact signed at Santa Fe, N. Mex., on November 24, 1922, pursuant to an act of Congress approved August 19, 1921. Arizona, California, and Utah still have to ratify said compact. In order to place the Boulder Dam act of Congress into operation there is required the approval of five of the States and California.

By ratifying the Colorado River compact California by legislative act shall have agreed irrevocably and unconditionally with the United States and for the benefit of the six other States of the basin not to apply to annual consumptive use within the State of California for any and all purposes more than 4,400,000 acre-feet of the water apportioned to the lower basin, plus one-half of any excess or surplus waters unappropriated by said compact, subject to the terms of the compact.

Provision is made for the construction of the main canal and appurtenant structures located entirely within the United States, connecting the Laguna Dam, or other suitable diversion dam, which the Secretary of the Interior is hereby authorized to construct if deemed necessary, after due and proper engineering and economic investigation, by contract with the Imperial and Coachella Valleys in California. The expenditures are to be reimbursable, as provided in the reclamation law, and shall not be paid from revenues derived from the sale of water power or electrical energy. This will throw the burden of cost of building the main canal, if built within the United States, upon the people of the Imperial and Coachella Valleys and clear up the indefiniteness of the original bill by fixing clearly this charge. If the all-American canal should be built, although there will be no charge for use, storage, or delivery of said water to the valleys, Imperial and Coachella must stand the cost. In other words, if the valleys do not provide the necessary security for building the all-American canal, the same will not be built, at least not by the law passed and approved December 21, 1928.

The provision that follows on page 23 of the amended bill contains an estimate of \$165,000,000 made by the committee and accepted by Congress as the proper cost of the dam structure and incidental structures necessary for the development of electrical energy and the building of the main canal, which last part is to be reimbursable.

FLOOD-CONTROL PROVISION

Some of the important features of the bill are contained in paragraph (b) of section 2, page 24, of the amended bill; that is, that \$25,000,000 of the \$165,000,000 provided for in the bill for all purposes shall be allocated to flood control and shall be repaid the United States out of 62½ per cent of revenues, if any, in excess of the amount necessary to meet periodical payments during the period of amortization; that is, the Secretary, under paragraph (b) of section 4 of the act as passed, must make provision for revenue by contract adequate, in his judgment, to insure payment of all expenses of operation and maintenance of said works incurred by the United States, and the payments within 50 years from the date of the completion of the said works of all amounts advanced to the fund under subdivision (b) of section 2 for such works, together with interest thereon made reimbursable under this act.

THREE USES OF BOULDER DAM

The dam and reservoir shall have three uses: First, river regulation, improvement of navigation, and flood control, indicating that the first use is the primary one; second, for irrigation and domestic use and in satisfaction of present perfected rights in pursuance of article 8 of the Colorado River compact, which provides specifically that present perfected rights to the beneficial use of waters of the Colorado River system are unimpaired by this contract. Whenever storage capacity of 5,000,000 acre-feet shall have been provided on the main Colorado River within or for the benefit of the lower basin, then claims of such rights, if any, by appropriators or users of water in the lower basin against appropriators or users of water in the upper basin shall attach to and be satisfied from water that may be stored not in conflict with article 3.

All other rights to beneficial use of waters of the Colorado river system shall be satisfied solely from the water apportioned to that basin in which they are situated. The third use is for power.

RATIFICATION OF COLORADO RIVER COMPACT

The act to provide for the construction of works for the protection and development of the Colorado River Basin, for the approval of the Colorado River compact, and for other purposes, known now as Public Law No. 642 (70th Cong.), permits a period of six months for the ratification by all of the seven States of the Colorado River compact. If the seven States—Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming—do ratify the compact, then the act as passed becomes operative as to all seven States. If seven States do not ratify the compact within the period of six months, then the approval of the compact by six States makes the terms of the legislation apply to the division of water and other regulations therein according to the terms of the original Colorado River compact, save and except as to Article XI, which required that each of the seven States approve the compact. A waiver as to the approval by the seven States is required from each of the six States approving. The acceptance of the terms of the legislation and the ratifying of the compact as prepared at Santa Fe, N. Mex., on November 24, 1922, now rests with Arizona and Utah. The Arizona representative signed the original draft of the articles of the 7-State compact when prepared, but its legislature failed to approve the same.

Arizona remained outside the compact and became active in filing upon all water rights available within the boundaries of her State, and that flowing into the State of Arizona, and applying same to beneficial use, including much water furnished from the watershed of her neighboring State, New Mexico. Also all available sites for power purposes were filed and located by Arizona. As to her activity in thus protecting her rights she can not be censured, except to this extent: That this great stream, produced by the watershed of the States, belongs to all seven arid States of the Colorado River Basin, and each is justly entitled to an equitable division and those that have acquired rights for beneficial use, as California and Arizona, are entitled to full and complete protection and the remaining rights should be equitably divided according to the terms of the legislation enacted. Utah, in my opinion, can not complain to any great extent as to the legislation enacted; the re-signing or approval of the compact as originally signed at Santa Fe, N. Mex., by that State insures its part of the water allocated to the upper basin.

The proper rule for the upper basin States to follow, if they desire their water rights fully protected for the future, is to approve and ratify the compact. Should Arizona fail to approve the compact the effort of each of the other six States should be in the interest of the entire seven States, so that the future rights to the water be not sacrificed by the question of a strict interpretation of the rule of priority, regardless of State lines.

The question of future controversy and litigation will be largely disposed of under the Colorado River compact and by the building of the Black Canyon Dam provided for in the legislation recently enacted. The high dam is necessary in order to impound the water needed for use in Arizona, California, and Nevada, and in order that the silt, which the river carries each year to the extent of about 100,000 acre-feet per year, will not in a few years fill the dam. This dam will no doubt remain with a sufficient supply of water for a century or more.

Under the alternates of the bill the Secretary of the Interior can construct the necessary plant and incidental structures suitable for the fullest economic development of electrical energy from the water discharged from said reservoir or he can cause to be constructed a complete plant.

CONSTRUCTION OF THE POWER PLANT

The question as to who shall build and equip the power plant rests with the Secretary of the Interior under section 6. The title to said dam, reservoir, plant, and incidental works shall forever remain in the United States and be controlled, managed, and operated by the United States, except as herein otherwise provided: That the Secretary of the Interior may, in his discretion, enter into contracts of lease of a unit or units of any Government plant, with right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy as herein provided, in either of which events the provisions of section 5 of this act, relating to revenues, term, renewals, determination of conflicting application, and joint use of transmission lines under contracts for the sale of electrical energy shall apply.

It is perfectly clear, then, in construing the provisions of sections 5 and 6 that the Government can permit the building of necessary structures for generating electrical energy to pri-

vate corporations or individuals, of one or all units of any Government plant for that purpose, with the right to generate electrical energy, or, alternatively, to enter into contracts of lease for the use of water for the generation of electrical energy. This, of course, would allow independent ownership of the structure by the corporation or company constructing the plant and the purchase of the water for the power purposes, subject to the provisions of section 5 of the law as to revenue, terms, renewals, determination of application, and joint use of transmission lines.

The only question to be clearly determined in the operation by the Government, then, is the building of the dam to store the required amount of water, the distribution of same, and the leasing of water to companies or individuals in generating hydroelectric power and to receive sufficient revenue for this water so used to repay the Government under the terms of the bill.

The charge to the ultimate consumer for electric power will depend entirely upon the corporations and individuals who operate the hydroelectric plant.

The House amendments, known as the Davenport amendments and incorporated in the bill passed by the House, were stricken from the bill as passed in the Senate and as finally approved; the amendments should have remained in the bill as a protection to the ultimate consumer of electricity. The Davenport amendments to H. R. 5773 were as follows:

The Secretary of the Interior in making any lease of said hydroelectric plant or contract for the sale of power therefrom, and/or any lease of water for the generation of electrical energy shall deal only with agencies or corporations which are delivering power directly to consumers.

Any lease of said hydroelectric plant, any contract for the sale of power therefrom, and/or any lease of water for the generation of electrical energy shall provide that the rate or rates at which power obtained under such contract or lease may be sold by the vendee or lessee shall be subject to the regulation or control of the Federal Power Commission or of the appropriate authority of any State or States in which such power is transmitted, distributed, sold, or used, according to the respective jurisdiction of said commissioner or of said State or States, as provided in section 19 or 20 of the Federal water power act; that such vendee or lessee shall not charge or present any claim or request to any commission or other authority to fix a rate or rates which yield in the aggregate an amount greater than required to reimburse the vendee or lessee for actual operation expenses and taxes and to yield a fair return upon the actual, legitimate cost as determined under the provisions of the Federal water power act of the works and property owned by the vendee or lessee and used or useful in the transmission and distribution of such power, and that the making of any such charge or the presentation of any such claim shall render void any such contract or lease.

The protection to the public who use the electrical power will, in my opinion, come from the person who is Secretary of the Interior during the period of construction, and especially in the making of the contracts for electrical power generated from the sale of water from the dam. Should the Secretary be a believer in the doctrine that the Government should not go into business, then the Government will not build or operate the structures for generating electric power.

I have always maintained the position that this was a great natural resource—the water and the power to be generated from the Colorado River. This power that will be used in the future among some of these States, municipalities, corporations, and individuals, and which have much to do with the development of the southwestern part of our country, belongs to the whole region included in these seven States of the Colorado River Basin, and no one in my opinion should fix the charges to be paid or control the same to the consumer except by direct authority of the Government. In other words, the Government should hold its protecting hand in the interest of the consuming public. Will this be the result of the legislation passed? I am of the belief that the development of power should remain directly under control of the Government and directly in the interest of the people and not be conveyed by long-term leases or passed by the sale of water for the purpose of generating power, as right then to control the price of electric power to the ultimate consumer will not be under Government control or supervision.

The State of New Mexico has the following provision in its State constitution:

The unappropriated water of every natural stream, perennial or torrential, within the State of New Mexico is hereby declared to belong to the public, and to be subject to appropriation for beneficial use in accordance with law of the State. Priority shall give the better right. (Art. XVI.)

This water that falls upon New Mexico's watershed is approximately 8 to 10 per cent of the entire water of the Colorado River. This is needed for the future development of the State, as 1,000,000 acres of land can eventually be irrigated from this amount. Protection is given to New Mexico in the final approval of either a six or seven State compact as provided under the terms of the act passed. This is the principal benefit that will accrue to New Mexico. The whole Southwest will have a wonderful development under the final working out of this legislation.

CONSTITUTION DAY ADDRESS

Mr. RAMSEYER. Mr. Speaker, on the 17th of last September I delivered the Constitution Day address before a joint meeting of the service clubs of Ottumwa, Iowa, and I ask unanimous consent to extend my remarks by inserting that address in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. RAMSEYER. Mr. Speaker, under leave to extend my remarks I submit for printing in the CONGRESSIONAL RECORD an address I delivered before a joint meeting of the service clubs of Ottumwa, Iowa, on the occasion of their annual observance of Constitution Day, September 17, 1928, as follows:

Mr. Chairman, ladies, and gentlemen, one hundred and forty-one years ago to-day the Constitution for the thirteen States then under the Articles of Confederation was agreed upon by the Constitutional Convention. The work of framing this Constitution continued during the hot summer months of 1787 in Philadelphia, and was completed on September 17 of that year. Fifty-five men constituted the convention.

The achievements of this convention should appeal to the young men and women of our country. Most of the members of this historic convention were comparatively young men. Six of the 55 were under 32 years of age. Forty-one were under 50 years of age. Three were over 60 years of age. George Washington, the president of the convention, was then 55 years of age. However, it is well to note, while speaking of the young men and their work in this convention, that it was due to the wisdom and experience of Benjamin Franklin, then 81 years of age, that finally induced the members of the convention to agree to any constitution.

The statement has often been made that the Constitutional Convention was made up of rich men and lawyers. There is no foundation for this statement. There were in the convention 16 lawyers, most of whom were eminent in their profession and were noted for their devotion to the country's welfare. In that day there were very few rich lawyers, and the lawyers who sat in this convention were not rich.

There was only one banker in the convention. That was Robert Morris. He bankrupted himself by financing the Revolutionary cause and he died penniless.

There were in the convention a few large landholders. George Mason was one of them. He refused to sign the Constitution although he was a close friend of Washington and opposed the ratification of the Constitution in the Virginia Ratification Convention because he thought the Constitution conferred too much power on the Federal Government.

The outstanding figure in the convention was Washington, a large landholder, who served throughout the Revolutionary period without pay. He was the most progressive farmer of Virginia. As President he declined to receive any salary, accepting only his actual expenses.

We are sometimes given the picture of this convention as being composed of able men formulating a scheme of government, guided by abstract ideals, meeting day after day, theorizing and arriving at this conclusion and that conclusion based on reason. These are not what guided the framers of the Constitution.

The framers of our Constitution were practical men and they had before them the work of solving a practical problem. The foundation of every action taken and every conclusion arrived at during the convention was human nature and human experience. The provisions in the Constitution were inserted because the framers had had actual experience with the principles of most of those provisions and had encountered actual evils from which they sought governmental remedies.

The framers of the Constitution builded on old foundations with skill, common sense, and a spirit of compromise in order to adapt old and tried principles of government to meet new conditions. Some of the provisions in the Constitution were taken verbatim from the constitutions of the States and from the Articles of Confederation. The Constitution signed 141 years ago to-day was mostly taken from the history and the experience of the American colonies and States. The framers knew from experience what worked well for the States; they knew from experience the shortcomings of the Articles of Confederation; they knew from experience and history that perfection was not attainable in government; and they knew from experience and history that a government to endure must derive its powers from the consent of the governed.

The preamble of the Constitution begins with: "We, the people of the United States, in order to form a more perfect Union." Then, in closing, the Constitution provides that to become effective it shall be ratified by conventions of nine States. Delegates to these conventions had to be elected by the people for the specific purpose of passing on the ratification of the Constitution agreed upon by the Philadelphia convention. The framers of the Constitution recognized the people as the source of governmental powers and they submitted the proposed Constitution to the people, not the State legislatures, for approval.

The people of the thirteen States, respectively, had adopted constitutions for the government of their States, each of which had its three departments—the executive, legislative, and judicial. This Constitution, agreed upon to form a more perfect union of these States, provided also for three departments—executive, legislative, and judicial—with the powers of each department clearly defined in the Constitution. These departments can only exercise such powers as are granted to them in the Constitution. In other words, the Federal Government is a Government of delegated powers.

The people of the States, in order to make a union possible, delegated certain powers to the Federal Government. To make it perfectly clear that the Federal Government, through these three departments, could only exercise the powers so delegated, they provided in Article X of the bill of rights that "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

So we have here a union of States with all governmental powers in the possession of the people of the States, except the powers which the people, through the Constitution and subsequent amendments thereto, delegated to the Federal Government.

In one respect our form of government is different from any other in the world and that is in the power conferred upon our Supreme Court. Ours is the only court of any important country in the world that exercises the power to declare a law of the legislative department unconstitutional and void.

I have called to your attention that the Federal Government can only exercise the powers delegated to it by the people in the Constitution. All governmental powers not so delegated are reserved to the States, respectively, or to the people. When any State undertakes to exercise powers that have been delegated to the Federal Government it is infringing on the powers of the Federal Government. When the Federal Government undertakes to exercise governmental powers not delegated to it by the people of the several States, it is infringing upon the rights of the States and the people thereof.

The exercise of power by the States delegated to the Federal Government or the exercise of power by the Federal Government not delegated to it by the States or the people thereof would naturally lead to chaos, conflict, and warfare unless there were a tribunal to determine what powers have been delegated to the Federal Government and what powers have been reserved to the States. The framers of the Constitution knew that and established the Supreme Court to settle all such controversies. Many times in our history State legislatures have undertaken to legislate on matters over which the Federal Government has jurisdiction, and the Congress of the United States at times has undertaken to exercise the power of legislation over matters not delegated to the Federal Government in the Constitution.

Article VI, clause 2, of the Constitution provides: "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Writers and speakers often refer to the Constitution as the supreme law of the land. That is incorrect.

The Constitution is the fundamental law. The Constitution, the laws of the United States made in pursuance of the Constitution, and the treaties made under the authority of the United States together constitute the supreme law of the land. That is, one is just as much law as the other. A law passed by Congress which conflicts with the Constitution is not a law made in pursuance of the Constitution, and, therefore, is not law. When the Supreme Court, in a case regularly before it, has presented to it the enforcement of a law made by Congress, which in fact is in conflict with the Constitution, that court has only one course it can logically pursue and that is to find that the law of Congress which conflicts with the Constitution is not law. In other words, such a law is declared to be unconstitutional and void.

Without the power reposed in the Supreme Court to declare laws of Congress and laws of State legislatures unconstitutional which conflict with the Constitution of the United States our scheme of government delegating certain powers to the Federal Government and reserving all other powers to the States, respectively, or to the people could not have endured. Without the power of the Supreme Court to declare unconstitutional laws, both Federal and State, enacted in violation of the Federal Constitution, either the Federal Government or the State governments would have been subdued, depending upon whether one or the other had the greater force to impose its or their will.

For the exercise of this power to declare laws of Congress and of State legislatures void when in its opinion such laws are in violation of the Constitution of the United States, our Supreme Court has been

at times severely criticized. Such a wave of criticism struck this country soon after the World War. I addressed myself to this criticism of the Supreme Court before one of your organizations four years ago. That wave of criticism blew over. Notwithstanding the recurring waves of criticism of the Supreme Court for exercising this power, there never has been and there is not now a persistent demand from the people that the Constitution be amended to take this power from the Supreme Court.

That the people have an abiding confidence in the Constitution and in the Supreme Court which has construed that instrument for 139 years is demonstrated by the way in which they have refused and still refuse to get excited by agitators to curtail the powers of the Supreme Court. The greatest security of our Government, however, is not in the Constitution. Our Government has been a success because of the stability, the character, and the intelligence of the people and because of the faith of the people in the Constitution and in every department of our Government, including the judiciary.

We are not an excitable people, easily swept off our feet. About 15 years ago there was a vigorous campaign on to empower the people to recall Supreme Court decision led by one of the most popular heroes the country ever had. That campaign did not survive the second sober thought of the American people. Six years ago there was proposed by one of the ablest political advocates of our time an amendment to the Constitution to give Congress the ultimate decision on the constitutionality of laws passed by it. That is, to give Congress the power to overrule a Supreme Court decision declaring a law of Congress unconstitutional.

Some newspapers and a considerable number of lawyers grew apprehensive that this new proposal would receive popular approval. The sober thought and the sound judgment of the people during all that agitation remained calm and composed.

At the time of this last agitation there were bills pending in Congress requiring the concurrence of seven of the nine members of the Supreme Court to declare a law of Congress unconstitutional instead of a majority of the court, which is now and always has been the practice. Bills of a similar purport have been introduced in one or both branches of Congress frequently. None were ever enacted into law. Under existing law six members of the court constitute a quorum, and a decision by a majority of the justices at a sitting of the court with a quorum present would undoubtedly be binding. However, it is both interesting and reassuring to know that there are very few sessions of the Supreme Court that are not attended by every member of the court, and only rarely is there a decision by that court rendered that is not participated in by all nine justices.

In defending the Supreme Court for the exercise of power conferred upon it by the Constitution I am not asserting that all the conclusions reached by that court are sound or that all its decisions are wise. Its membership is human. Since the foundation of the Government its membership has been composed of high-minded, intelligent, and patriotic men, worthy of the confidence that the people ungrudgingly have reposed and still repose in them.

According to a compilation which I made three years ago, the Congress, during a period of 136 years, had passed 19,750 public laws and resolutions and 30,310 private laws and resolutions, or a total of 50,060. During the same time the Supreme Court had decided over 30,000 cases. In all these decisions less than 50 laws of Congress were declared unconstitutional. Of this number only two laws were declared unconstitutional before the Civil War. During and since that war there has been a greater demand for social and economic legislation, and Congress, yielding sometimes to the demands of the majority and other times to the demands of well-organized and persistent minorities, has more frequently exceeded the power granted it under the Constitution.

Five of these laws undertook to confer powers on the Federal courts not authorized by the Constitution.

Seventeen of these laws undertook to regulate internal affairs of the States in violation of the Constitution.

Fifteen of these laws were in direct violation of fundamental and personal rights guaranteed by the Bill of Rights set forth in the first 10 amendments to the Constitution.

In 10 of these laws Congress undertook to exercise powers expressly prohibited by the Constitution.

Frequently the argument is made, in and out of Congress, in behalf of a bill whose constitutionality is questionable: Let Congress pass it and leave it to the Supreme Court to say whether the law is constitutional or not. Not infrequently have bills been vetoed because in the opinion of the President such bills were in violation of the Constitution. Vetoes on this ground have been criticized.

The criticism is usually based on the assumption that it is the duty of the judicial department and not of the executive department to pass on the constitutionality of laws of Congress. Every President, Senator, and Representative takes an oath that he will support and defend the Constitution of the United States. It is the duty of every Member of Congress to study every bill that comes before that body for action and to determine in his own mind whether such bill proposes legislation within the powers conferred upon Congress by the Constitution. If such Member, after careful study, arrives at the conclusion

that the bill is unconstitutional, it is his clear duty under his oath to vote against it, notwithstanding that there may be a strong and persistent demand for the passage of legislation proposed in such bill. Likewise it is not only the right of the President, but the duty of the President, to veto a bill which, in his judgment, is in contravention of the Constitution. The oath to support and defend the Constitution taken by the President and Members of Congress is as solemn and binding upon them as is a like oath taken by members of the Supreme Court.

President or Congressman, who undertakes to exercise governmental powers not conferred upon him by the Constitution, takes that which does not belong to him but to the people. Such action constitutes an infringement on the rights of the people. Those who sincerely believe that the public welfare demands greater powers conferred upon the Federal Government should first seek to amend the Constitution.

Whenever the issue of the constitutionality of a law of Congress is raised in the Supreme Court the members of that court go on the assumption that that issue was carefully considered by Congress in passing the bill and by the President in signing the bill, that it was the deliberate judgment of both the Congress and the President that the law was constitutional; and being thus confronted by the judgment of the Congress and of the President in favor of the validity of the law, the members of that court will not declare the law of Congress unconstitutional until they are convinced beyond a reasonable doubt that it contravenes some provision or provisions of the Constitution.

Executives and legislators in passing upon the constitutionality of pending legislation should not do so with the purpose of narrowing the meaning of the Constitution by technical constructions but to broaden it to meet new and changed conditions and thereby keep it strengthened in the confidence of the people. The provisions of the Constitution were intended to give effect to the fine purposes of the founders of the Nation. Executives, legislators, and judges should construe these provisions liberally and broadly in order to promote the general welfare and should not thwart the noble purposes of the founders of the Nation by narrow or technical interpretations of the provisions of the Constitution.

In defending the Supreme Court in the exercise of its powers and in opposing constitutional amendments and legislation to curtail the powers of the Supreme Court, I do not wish to be understood as impugning the motives or the patriotism of the men who have in the past advocated such changes.

These changes have been advocated by thoughtful men in the name of progress, but to my mind their proposals appear extremely reactionary. In fact, I can not conceive of changes in our fundamental law that would place in jeopardy quite so much the sacred rights guaranteed by the Constitution to every inhabitant of the land, and that would be more destructive of our system of Federal and State Governments as the proposed changes I have discussed. The fact that the agitation for the proposed changes has ceased for a time is probably conclusive evidence that either the agitators themselves have become convinced that they are in the wrong or that the people are overwhelmingly against them.

The advocates of such proposals should not be denounced, but they should be taught history and given the reasons why the Constitution is as it is. No views, however radical, if presented in an orderly way are ever dangerous. If dangerous at all they are only dangerous until the light is turned on. Mr. Justice Holmes a few years ago wrote: "With effervescent opinions, as with the not yet forgotten champagnes, the quickest way to let them get flat is to let them get exposed to the air." In a judicial opinion this same justice has said: "The best test of truth is the power of thought to get itself accepted in the open market."

There is no use to get alarmed at radicals or radical views. Young radicals are a somewhat desirable portion of the community. They keep the community alive and without them the world would tend to stagnate. I think it is a good thing that young men start out in life more radical than their fathers.

To get their views accepted they will soon learn before they can make any headway that such views must be supported by facts and valid reasoning. Our Constitution guarantees the freedom of speech and of the press. The framers of the Constitution knew that the surest way to get rid of dangerous views was to bring them out in the open market where they could be seen and properly appraised by all.

We have good and intelligent people in this country who are concerned and alarmed because of the existence of forces threatening the life of the Republic. Is the life of the Republic threatened? Is there something in the form of our Government or in the character of the people back of the Government which is driving the Republic to destruction?

Life is a struggle. As to the individual, it applies to health, goods of subsistence, and to the moral and spiritual as well. We as individuals have to contend with forces both within and without to maintain our physical and also spiritual existence.

Likewise there are imperiling forces to our national existence both from within and without. Things worth while in life, whether individual or collective, can only be attained and retained by struggle.

When Cornwallis surrendered to Washington at Yorktown in 1781 the struggle for free and orderly government had only begun. Chaos not order reigned in the thirteen original Colonies. Two years later a treaty of peace was signed recognizing the independence of the Colonies. After six years more the fathers established a constitutional republic. The struggle then began to preserve and defend the Government thus established. That struggle has since continued with varying degrees of intensity and is still going on at this very hour.

The nation never did exist, does not exist now, and never will exist free from forces both within and without threatening its life. The life of a nation depends upon its life-preserving powers to resist destruction from within and upon its organized forces and powers to repel invasion from without. That has always been true, is true today, and will always be true as long as life is life and humans are human.

Is there anything in the form of our Government that would tend to breed discontent and disloyalty among the people? In the Declaration of Independence we recognize the principle as fundamental that governments are instituted among men, deriving their just powers from the consent of the governed, to secure to the people life, liberty, and the pursuit of happiness. If our Government is not so organized, it should be reorganized. The purposes for which our Government was organized are clearly set out in the preamble of the Constitution, which reads:

"We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."

The purposes for which governments are organized were never better or more sincerely expressed by the representatives of a free people. In the Constitution is an article outlining the procedure to amend the Constitution. So if the people desire to amend their Constitution, either by adding to or subtracting therefrom, the machinery for that purpose is provided for.

The written Constitution thus adopted for the government of our people has stood for 139 years without change except by amendments adopted in an orderly way as the Constitution specifically provides. No other Government in the world with a written constitution has stood for so long a time without violent change—a tribute both to the wisdom and foresight of the forefathers and to the stable character and intelligence of the American people.

Under our form of government all powers of government are in the people. These powers emanate from the people and go up and not from a central authority down. There is no grievance that the people have or may have that can not be remedied in an orderly way by the majority in the manner in which the people themselves have provided in their governmental machinery.

The theory of the whole framework of our Government, whether local, State, or National, is that the majority shall rule. However, one of the glories and safeguards of our form of government is that the individual has guaranteed certain rights of property, of trial by jury when accused, of freedom of speech and the press, of freedom of religion, and others that even a majority through the channels of legislation can not take away from him. These rights, it is true, might all be swept away by constitutional amendments which would receive the approval of three-fourths of the State legislatures. As long as the Constitution remains as it is in this respect the individual is safeguarded in these sacred rights.

As to the character and stability of our people I have already made reference in connection with their attitude toward agitation to curtail the powers of the Supreme Court.

Our Government is simplicity itself. There is no inherited power. Public officers are the servants of the people and serve during the will of the people. How easy to defend a system so simple and flexible against the arguments for a violent change. To assert that the American people, or a considerable number of them, can be induced to follow the preachers of revolution is a reflection on the stability, the character, and the intelligence of our people.

There is no governmental wrong that will not yield to the will of the majority, unless such wrong is inherent in the fundamental law where more than a majority is required to bring about a change. And that instrument, the Constitution, which is the fundamental law, has readily yielded to changes in response to a persistent and intelligent popular demand as is evidenced by the 19 amendments which have become a part of the Constitution and 4 of which were adopted within recent years.

The national security is not promoted by repressing those who advocate change, but in an analysis and consideration of the changes proposed and in remedying wrongs in our economic, social, and political structure where such wrongs exist, that will yield to legislation. The first amendment to the Constitution contains sacred guarantees to the people. Reason has never failed to prevail with our people.

Under our system of government it is easy for the majority to rule if they have the will to do so. There is nothing in our governmental

system to prevent the majority from having their way. There is nothing in the character or habits of our people to prevent a majority rule.

Have faith in the Government and in the people by whom and for whose benefit the Government was established and on whose will its continuance depends, hold in subjection the forces of destruction from both within and without, and our Republic's security will be assured for all time. And remember that eternal vigilance is the price of liberty.

BILLS NOT SIGNED BY THE PRESIDENT

The SPEAKER laid before the House the following message from the President of the United States, which was read, and with the accompanying papers, referred to the Committee on the Judiciary and ordered printed:

To the Congress of the United States:

I am transmitting herewith for the information of the Congress a memorandum prepared in the office of the Attorney General regarding bills presented to the President less than 10 days before the adjournment of Congress and not signed by him.

CALVIN COOLIDGE.

THE WHITE HOUSE,
December 22, 1928.

Mr. LUCE. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LUCE. Will this communication respecting the standing of bills presented to the President less than 10 days before the adjournment of Congress and not signed by him be printed in the RECORD?

The SPEAKER. It will be printed as a document, and not in the RECORD.

Mr. LUCE. It strikes me, Mr. Speaker, that that is of such constitutional importance that a unanimous-consent request to print it in the RECORD is justified, and I make that request.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the memorandum from the Attorney General's office be printed in the RECORD. Is there objection?

Mr. BANKHEAD. Mr. Speaker, reserving the right to object, how long is the document? It seemed to be a rather bulky one, as it appeared on the Clerk's desk.

The SPEAKER. There are 99 pages in it.

Mr. LUCE. Mr. Speaker, I withdraw the request.

PERRY VICTORY MEMORIAL COMMISSION

The SPEAKER also laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the Library and ordered printed:

To the Congress of the United States:

I transmit herewith for the information of the Congress the Ninth Annual Report of the Perry Victory Memorial Commission for the year ended December 1, 1928.

CALVIN COOLIDGE.

THE WHITE HOUSE, December 22, 1928.

ELIZABETH MARY SMITH

Mr. MACGREGOR. Mr. Speaker, I present a privileged report from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House Resolution 257

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to Elizabeth Mary Smith, widow of John M. Smith, late an employee of the House, a sum equal to six months' compensation at the rate he was receiving at the time of his death, and in addition \$250 to defray funeral expenses.

The SPEAKER. The question is on agreeing to the resolution.

Mr. GARNER of Texas. Mr. Speaker, Just one moment. I do not think the consideration of this resolution could be had if the spirit of the agreement of the majority leader, Mr. TILSON, as announced in yesterday's RECORD, is taken into consideration this morning. However, resolutions of this kind have been going through the House without debate for the last 6 or 7 or 8 years. Therefore, I am not going to insist that the spirit of the agreement referred to be kept in this particular.

Mr. TILSON. Mr. Speaker, I take a different view in respect to the spirit of that agreement. I think this is just the kind of thing that is always done by unanimous consent and that was contemplated in the agreement, and only this sort of thing.

Mr. GARNER of Texas. That is the reason that I am not objecting to this, but this is legislation.

Mr. TILSON. Oh, yes; but it is more or less routine legislation, and usually goes through by unanimous consent.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ASSISTANT FLOOR MANAGER OF TELEPHONES

Mr. MACGREGOR. Mr. Speaker, I also present the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 259

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House compensation at the rate of \$1,830 per annum, payable monthly, for the services of a temporary majority assistant floor manager of telephones to be appointed by the Doorkeeper of the House. The compensation and employment hereby authorized shall start from December 1, 1928, and terminate March 31, 1929.

Mr. MACGREGOR. Mr. Speaker, this is to continue the employment of a temporary man in place of Mr. Holt, who has been incapacitated.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ADDITIONAL CLERICAL ASSISTANCE, COMMITTEE ON ACCOUNTS

Mr. MACGREGOR. Mr. Speaker, I also present the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 276

Resolved, That the Clerk of the House is authorized to pay from the contingent fund of the House compensation at the rate of \$200 per month for additional clerical assistance to the Committee on Accounts during the remainder of the session of the Seventieth Congress.

Mr. SNELL. Mr. Speaker, I think my colleague from New York should make some explanation in regard to this extra allowance. The Committee on Accounts is none too generous in giving the rest of us extra allowances for clerical hire.

Mr. MACGREGOR. Mr. Speaker, as most of you know, I am about to resign. The chairmanship of the Committee on Accounts is to be taken over by the ranking member, and he is not familiar with the details of the office. There are many details which are, of course, in the minds of the clerks that I have there now. The work that they have been doing is far in excess of that which has been done by my predecessors. My immediate predecessor had a man to whom I think he was paying \$4,000 a year. The work of the Committee on Accounts has vastly increased since I became its chairman. We have taken over the work of the Committee on Mileage, and my present clerk is the manager of the restaurant, something never done before, so that the new chairman is going to have some job in getting in touch with the work of this committee. I have felt that this request is a reasonable request on his part, as a temporary proposition.

Mr. SNELL. I understand that he is to retain some one who is there at the present time, who is familiar with the work?

Mr. MACGREGOR. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MINNIE F. M'KENZIE

Mr. MACGREGOR. Mr. Speaker, I present the following resolution, which I send to the desk.

The Clerk read as follows:

House Resolution 279

Resolved, That there shall be paid out of the contingent fund of the House to Minnie F. McKenzie, widow of John A. McKenzie, late an employee of the House, a sum equal to six months' salary and an additional sum not exceeding \$250 to cover the funeral expenses and the expenses of his last illness.

Mr. UNDERHILL. Mr. Speaker, I think the provision in that resolution in respect to the expenses of his last illness is somewhat different from the usual form, and I move to strike those words out.

The SPEAKER. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. UNDERHILL: After the word "expenses," where it first occurs in the resolution, strike out the words "and the expenses of his last illness."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to, and the resolution as amended was agreed to.

RESIGNATION OF A MEMBER

The SPEAKER. The Chair lays before the House the following communication:

The Clerk read as follows:

Hon. NICHOLAS LONGWORTH,

Speaker of the House of Representatives,

Capitol, Washington, D. C.

MY DEAR SIR: I beg to inform you that I have transmitted to the Governor of the State of New York my resignation as a Representative in Congress from the forty-first congressional district of the State of New York, to take effect at the close of business on December 31, 1928.

Respectfully submitted.

CLARENCE MACGREGOR.

The SPEAKER. Ordered printed.

Mr. MACGREGOR. Mr. Speaker, I ask unanimous consent to proceed for one minute.

The SPEAKER. Is there objection to the request of the gentleman from New York? [After a pause.] The Chair hears none.

Mr. MACGREGOR. Mr. Speaker and my fellow Members [applause], I do not intend to make any so-called farewell speech. As most of you know, I have been chosen to another position in my State, a position which I have long cherished to fill, justice of the Supreme Court of the State of New York for the period of 14 years. [Applause.] I simply want to express to my fellow Members my thanks and my appreciation for their many kindnesses to me. It has been a wonderful experience here. The 10 years I have been a Member of this body have been years of pleasure and gratification, and I leave it, of course, with a great deal of regret, not only because of the great opportunities for work and constructive service that are ever present with Members of this House, but also because it severs at least a direct contact with the many friends I have made during my term of membership here. I leave you with regret, thank you for your kindnesses, wish you many, many merry Christmases and happy New Years. [Applause.]

Mr. UNDERHILL. Mr. Speaker, I ask unanimous consent to address the House for two minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERHILL. My colleagues, I have been associated with Mr. MACGREGOR on the Committee on Accounts, of which he has been chairman for the past six years, ever since I have been a Member of Congress. I have learned not only to admire him because of his fairness, because of his conscientious endeavor to give justice to all, but because of his courage in consistently opposing raids upon the contingent fund, which has no protector except the chairman of the Committee on Accounts. He has given most generously of his time.

Perhaps some of you have forgotten that the chairman of the Committee on Accounts is one of the three Members appointed at the close of each session to serve as an ad interim committee during the recesses of Congress. That necessitates at least one Member's presence in Washington during most of the hot summer months. Mr. MACGREGOR has very generously taken over that duty, and the other two Members on that committee have been very seldom called upon to fill in during his absence. It is only one illustration of the sacrifices that he has made in his devotion to the country's service, and I am sure I voice the sentiments of the other Members of the House when I say that though we regret that he is to leave us we rejoice at his advancement in his profession. Our best wishes go with him not only for a merry Christmas and a happy, healthful, successful coming year, but for at least 14 more years, and then another 14 years of usefulness in his new position. [Applause.]

ADJOURNMENT OVER HOLIDAY RECESS

Mr. TILSON. Mr. Speaker, before we separate for the holiday recess I wish to express my sincere thanks to the entire membership of the House for the fine spirit of cooperation that has prevailed during the present session of Congress. And as we go, many of us to our homes, and all, as I hope, in the enjoyment of this little recess, I wish you all a very merry Christmas and a very happy New Year. [Applause.]

I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 30 minutes p. m.) the House adjourned, pursuant to a joint resolution previously passed, until Thursday, January 3, 1929, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

709. A letter from the Postmaster General, transmitting the facts in the claim of John T. Painter, postmaster at Greensburg,

Pa., for credit on account of loss sustained in the burglary of the post office on April 22, 1928, as set forth in the postmaster's claim, reports of the inspectors who investigated the matter, and a summary of the evidence by the solicitor for the department (H. Doc. No. 491); to the Committee on Claims and ordered to be printed.

710. A communication from the President of the United States, transmitting supplemental estimate of appropriation for the legislative establishment of the United States for the fiscal year ending June 30, 1929, for the expenses of the inaugural ceremonies of 1929, \$45,000 (H. Doc. No. 492); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 259. A resolution to provide for a temporary assistant majority floor manager of telephones (Rept. No. 1973). Ordered printed.

Mr. MACGREGOR: Committee on Accounts. H. Res. 276. A resolution to provide \$200 per month for additional clerical assistance to the Committee on Accounts (Rept. No. 1974). Ordered printed.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 14146. A bill granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Monongahela River, in the city of Pittsburgh, Allegheny County, Pa.; with amendment (Rept. No. 1975). Referred to the House Calendar.

Mr. PARKS: Committee on Interstate and Foreign Commerce. H. R. 14164. A bill granting the consent of Congress to the city of Knoxville, Tenn., to construct a bridge across the Tennessee River at Henley Street in Knoxville, Knox County, Tenn.; with amendment (Rept. No. 1976). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 14451. A bill granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Ohio River, between the city of Pittsburgh and the borough of McKees Rocks, State of Pennsylvania; with amendment (Rept. No. 1977). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 14469. A bill granting the consent of Congress to the county of Allegheny, Pa., to construct a bridge across the Youghiogheny River between the borough of Versailles and the village of Boston, in the township of Elizabeth, Allegheny County, Pa.; with amendment (Rept. No. 1978). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14473. A bill granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; with amendment (Rept. No. 1979). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 14474. A bill granting the consent of Congress to the city of Aurora, State of Illinois, to construct, maintain, and operate a bridge across the Fox River within the city of Aurora, State of Illinois; with amendment (Rept. No. 1980). Referred to the House Calendar.

Mr. JOHNSON of Indiana: Committee on Interstate and Foreign Commerce. H. R. 14481. A bill to authorize the construction of a bridge across the Grand Calumet River at East Chicago, Ind.; with amendment (Rept. No. 1981). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14802. A bill granting the consent of Congress to the Pittsburgh, Cincinnati, Chicago & St. Louis Railroad Co., for the maintenance and operation of a bridge across the Ohio River at Steubenville, Ohio; with amendment (Rept. No. 1982). Referred to the House Calendar.

Mr. PARKS. Committee on Interstate and Foreign Commerce. H. R. 14803. A bill to extend the time for completing the construction of the bridge across the Mississippi River at Natchez, Miss., three years from May 3, 1928; with amendment (Rept. No. 1983). Referred to the House Calendar.

Mr. COOPER of Ohio: Committee on Interstate and Foreign Commerce. H. R. 14919. A bill granting the consent of Congress to the commissioners of Mahoning County, Ohio, to construct a bridge across the Mahoning River at Cedar Street, Youngstown, Mahoning County, Ohio; with amendment (Rept. No. 1984). Referred to the House Calendar.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 14920. A bill granting the consent of Congress to the State of Wisconsin to construct, maintain, and operate a

free highway bridge across the Rock River, at or near Center Avenue, Janesville, Rock County, Wis.; without amendment (Rept. No. 1985). Referred to the House Calendar.

Mr. RAYBURN: Committee on Interstate and Foreign Commerce. H. R. 15067. A bill authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45; with amendment (Rept. No. 1986). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15072. A bill granting the consent of Congress to the commissioners of the county of Cook, State of Illinois, to reconstruct the bridge across the Grand Calumet River at Burnham Avenue in said county and State; with amendment (Rept. No. 1987). Referred to the House Calendar.

Mr. DENISON: Committee on Interstate and Foreign Commerce. H. R. 15081. A bill to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near the city of Savanna, Ill.; with amendment (Rept. No. 1988). Referred to the House Calendar.

Mr. WYANT: Committee on Interstate and Foreign Commerce. H. R. 15084. A bill granting the consent of Congress to the county of Allegheny, Pa., to construct, maintain, and operate a bridge across the Ohio River between a point at or near Reedsdale Street in the north side and a point at or near Carson Street in the west end of the city of Pittsburgh, Allegheny County, Pa.; with amendment (Rept. No. 1989). Referred to the House Calendar.

Mr. PEERY: Committee on Interstate and Foreign Commerce. H. R. 15202. A bill granting the consent of Congress to the Danville & Western Railway Co. to rebuild and reconstruct and to maintain and operate the existing railroad bridge across the Dan River in Pittsylvania County, Va.; with amendment (Rept. No. 1990). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. MACGREGOR: Committee on Accounts. H. Res. 257. A resolution authorizing payment of six months' salary and funeral expenses to Elizabeth Mary Smith on account of the death of John M. Smith, late an employee of the House of Representatives (Rept. No. 1972). Ordered printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 15675) providing for the purchase and sale of cotton by net weight; to the Committee on Agriculture.

By Mr. HAWLEY: A bill (H. R. 15676) amendatory of the act of March 26, 1908 (35 Stat. L. p. 48), as amended by the act of December 11, 1919 (41 Stat. L. p. 366); to the Committee on the Public Lands.

By Mr. LEAVITT: A bill (H. R. 15677) to reserve certain lands on the public domain in Santa Fe County, N. Mex., for the use and benefit of the Indians of the San Ildefonso Pueblo; to the Committee on Indian Affairs.

By Mr. MILLER: A bill (H. R. 15678) to provide for the establishment of a rifle range in the vicinity of the navy yard, Puget Sound, Wash.; to the Committee on Naval Affairs.

By Mr. SMITH: A bill (H. R. 15679) amending an act to amend the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. WELCH of California: A bill (H. R. 15680) to amend a section of the act entitled "An act for the retirement of employees in the classified civil service, and for other purposes," approved May 22, 1920, and acts in amendment thereof; to the Committee on the Civil Service.

By Mr. HALL of Illinois: Joint resolution (H. J. Res. 364) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALMON: A bill (H. R. 15681) granting a pension to Nicholas P. Broadway; to the Committee on Pensions.

By Mr. ANDREW: A bill (H. R. 15682) granting a pension to Anna M. Varnum; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 15683) granting an increase of pension to Laura Myers; to the Committee on Invalid Pensions.

By Mr. BEERS: A bill (H. R. 15684) granting an increase of pension to Malinda Bollinger; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 15685) granting a pension to Mary Love Roberts; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 15686) for the relief of E. O. McGillis; to the Committee on Military Affairs.

By Mr. DOUTRICH: A bill (H. R. 15687) granting an increase of pension to Bertha H. Lafner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15688) granting an increase of pension to Sarah L. Seitzer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15689) granting a pension to Maude Lingenfelter; to the Committee on Invalid Pensions.

By Mr. FREE: A bill (H. R. 15690) for the relief of Charles W. Byers; to the Committee on Claims.

By Mr. GARDNER of Indiana: A bill (H. R. 15691) granting a pension to Mary R. Gehlbach; to the Committee on Pensions.

Also, a bill (H. R. 15692) granting an increase of pension to Frances M. Roger; to the Committee on Invalid Pensions.

By Mr. GILBERT: A bill (H. R. 15693) granting a pension to Charles H. Phillips; to the Committee on Pensions.

By Mr. HARDY: A bill (H. R. 15694) granting an increase of pension to Effie M. Britton; to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 15695) granting an increase of pension to Lavina Imhoff; to the Committee on Invalid Pensions.

By Mr. KETCHAM: A bill (H. R. 15696) granting a pension to Benjamin F. Gay, alias John Robinson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15697) granting a pension to Edith McCann; to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 15698) granting an increase of pension to Ella R. Crail; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15699) granting a pension to Frances N. Myers; to the Committee on Invalid Pensions.

By Mr. LEAVITT: A bill (H. R. 15700) for the relief of the heirs of William W. Head, deceased; to the Committee on the Public Lands.

By Mr. LEHLBACH: A bill (H. R. 15701) for the relief of Lieut. H. W. Taylor, United States Navy; to the Committee on Naval Affairs.

By Mr. MENGES: A bill (H. R. 15702) granting an increase of pension to Annie Bell; to the Committee on Invalid Pensions.

By Mr. MORIN: A bill (H. R. 15703) for the relief of Louis Vauthier and Francis Dohs; to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 15704) granting an increase of pension to Harriet J. Davis; to the Committee on Invalid Pensions.

By Mr. NEIDRINGHAUS: A bill (H. R. 15705) granting a pension to Joshua A. Tate; to the Committee on Invalid Pensions.

By Mr. NELSON of Maine: A bill (H. R. 15706) granting an increase of pension to Laura A. Cram; to the Committee on Invalid Pensions.

By Mrs. ROGERS: A bill (H. R. 15707) authorizing payment of compensation to Annie Hiscock; to the Committee on World War Veterans' Legislation.

By Mr. SNELL: A bill (H. R. 15708) for the relief of Louis Shybliska; to the Committee on Naval Affairs.

By Mr. TAYLOR of Tennessee: A bill (H. R. 15709) granting a pension to Roxie Pope Baker; to the Committee on Invalid Pensions.

By Mr. WARE: A bill (H. R. 15710) granting a pension to Charley M. Ardleman; to the Committee on Pensions.

By Mr. WOOD: A bill (H. R. 15711) granting an increase of pension to Elizabeth J. Malone; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

8088. By Mr. EVANS of California: Petition of Lancaster Women's Club, for the ratification of the multilateral treaty; to the Committee on Foreign Affairs.

8089. Also, petition of Laura B. Jones and 38 others, protesting against the Lankford Sunday bill (H. R. 78); to the Committee on the District of Columbia.

8090. By Mr. HOOPER: Petition of Henry McDonald and eight other residents of Michigan, protesting against the enactment of compulsory Sunday observance legislation for the District of Columbia; to the Committee on the District of Columbia.

SENATE

THURSDAY, January 3, 1929

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Father of life and God of the living, as the sweeping course of time has brought us to the dawn of another year, we bless Thee for the constant memories of what we are that rise up within us, for the hush of solemn thoughts, for the moments of insight when the veil on the face of all things falls away, and for the hours of high resolve which quicken the life within.

As in the changing seasons nature by Thy hand shakes off her olden vesture, only to be clothed upon with renewed splendor, so now by Thy Spirit enter our lives, rid us of all Thou canst not approve, and clothe us with the garments of love and service. Bless our Nation and all who are in authority, sanctify our homes and hallow our relationships, that we may be a people in whom joy and peace are set forth as glowing sacraments of Thy presence. Through Jesus Christ our Lord. Amen.

EARLE B. MAYFIELD, a Senator from the State of Texas, and PETER NORBECK, a Senator from the State of South Dakota, appeared in their seats to-day.

THE JOURNAL

The legislative clerk proceeded to read the Journal of the proceedings of Saturday, December 22, 1928, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

CREDENTIALS

The VICE PRESIDENT laid before the Senate the credentials of HIRAM W. JOHNSON, chosen a Senator from the State of California for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA.

Know all men by these presents:

That it appears from the certificate duly executed by the secretary of state and filed in this office, and I, C. C. Young, Governor of the State of California, pursuant to the authority vested in me by law, do by these presents hereby certify that at the general election held on Tuesday, the 6th day of November, 1928, HIRAM W. JOHNSON was duly elected a Senator to represent the State of California in the Senate of the United States of America for a term of six years, as prescribed by law.

In witness whereof I have hereunto set my hand and caused to be affixed the great seal of the State at Sacramento this 18th day of December, 1928.

[SEAL.]

Attest:

C. C. YOUNG, Governor.

FRANK C. JORDAN,
Secretary of State.

EXECUTIVE DEPARTMENT,
STATE OF CALIFORNIA.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, HIRAM W. JOHNSON was duly chosen by the qualified electors of the State of California a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 4th day of March, 1929.

In witness whereof I have hereunto set my hand and caused the great seal of the State to be affixed at Sacramento this 18th day of December, A. D. 1928.

[SEAL.]

Attest:

C. C. YOUNG, Governor.

FRANK C. JORDAN,
Secretary of State.

The VICE PRESIDENT laid before the Senate the credentials of HUBERT D. STEPHENS, chosen a Senator from the State of Mississippi for the term commencing March 4, 1929, which were read and ordered to be placed on file, as follows:

JACKSON, MISS., December 26, 1928.

To the SECRETARY OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 6th day of November, 1928, HUBERT D. STEPHENS was duly chosen by the qualified electors of the State of Mississippi a Senator from said State to represent said State in